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REVIEW OF THE REPORT OF HON. THOMAS BUTLER KING
ON CALIFORNIA.

THE government of the United States cannot be said to have a colonial system, unless the movements of such a system are to be seen in the constant acquisition and organization of new territories.

The expansion of the Republican Empire requiring the constant addition of new regions to receive the overflow of population and emigration, the policy of annexation,—peaceful and constitutional annexation—by treaty and by purchase, may be regarded as the settled policy of this government. The population of the United States, “consists of natives of Caucasian origin, and exotics of the same derivation. The native mass rapidly assimilates to itself, and absorbs the exotics, and thus these constitute one homogeneous people. The African race, bond and free, and the aborigines, savage and civilized, being incapable of such assimilation and absorption remain distinct, and owing to their peculiar condition, they constitute inferior masses, and may be regarded as accidental, if not disturbing political forces. The ruling homogeneous family, planted at first on the Atlantic shore, and following an obvious law, is seen continually and rapidly extending itself westward, year by year, and subduing the wilderness and the prairie, and thus extending this great political community, which, as fast as it advances, breaks into distinct states for municipal

purposes only, while the whole constitutes one contiguous, entire, and compact nation.”*

This population, is now 22 millions. In fifty years it will be 80 millions, and in an hundred years 200 millions; equal to nearly one fourth the present aggregate population of the globe.

The problem for statesmen of the present day, is, therefore, not how they shall confine this irresistible and wide spreading tide of life, but rather how they shall, with sufficient expedition, provide a soil for its feet to rest upon, and extend over it a government at once congenial, powerful and free.

The government of the United States, if they have not hitherto, must now begin to have a sound colonial policy. There are legislators, otherwise men of weight and wisdom, who have no faith in the expansive power of republican institutions, who sigh for the narrow and manageable limits of the old thirteen colonies, and amuse themselves and the people with predictions of the incapacity of a republican government to extend itself over a continent. These are men of the past; doubters, and faint hearted.

Such should not be the spirit of the rising statesmen of this age; they who are to live through the coming thirty years of republican aggrandizement—who are to shape the destinies of the coming time; it is theirs to make themselves sure of what will be, and must be; and then, by reason

*Mr. Seward's speech in the Senate, March 11th, 1850.

and a just and universal legislation, guided by the constitution, and by the advice of history and experience, to provide governments for these expanding millions; not dilatorily and factiously, but with a great and generous liberality, a liberality to which Providence will be always kind, because it is the very brother and friend of Providence; and by obeying the great laws of events, becomes itself a law.

And now, when the necessity of adopting a broad and liberal system of colonization has forced itself upon the attention even of the most reluctant and bigoted admirers of narrow limits, the force of the national legislation is wasted in the hateful strife of faction. Instead of providing, with a paternal care, for our new colonies on the Pacific, to confirm and strengthen them in affection and respect for the mother country the leaders of faction are consuming week after week in profitless recrimination. Let us turn away from this wretched strife, and refresh our eyes and our hearts with new indications of the vigor and the power of our name and our laws; let us see how beautifully and peacefully they can expand themselves in new and untried regions.

The empire of freedom has now within its geographical boundaries every element of power; a hardy and enlightened ruling race, of the best blood of the human family. The American people, proper, spreading rapidly over a continent to which the Creator has given every natural advantage; of vast, but not sterile nor wasteful extent, lying between two mighty oceans, far removed on the one hand from the barbarism of Asia, and on the other from the old tyranny of Europe. On the North boundless forests, affording the materials of structure and habitation, whose removal leaves such fields as produce the best and healthiest food of man: out of these, rivers gathering their floods and flowing toward the South, East and West, navigable almost from their sources to the sea. In the South, rich plains producing every luxury in such abundance, that the meanest and the poorest may possess and enjoy them. In the West a land mountainous and rude, but teeming with the precious metals, with silver and with gold. In the East, nourishing a population qualified by industry and sagacity for every handicraft, and with an ingenuity and enterprise which

converts the very stones beneath its feet into subsistence and riches; there is nothing wanting in this great, this select and wonderful region, to supply everything that is needed for the densest, and the most numerous and civilized population. It is not broken by impassable ranges of mountains, nor by sandy, illimitable deserts: from one part to another the traveller passes easily, and with safety. He may sail through the land, from end to end, by natural and artificial streams; he may traverse it, driven swiftly along, with the speed of an eagle, by the force of machinery. From place to place, over prodigious distances, he may send messages with the speed of lightning. The people of this continent have a common law, a single code or constitution, which makes every man the friend, the fellow, and the equal of all others of his nation. No country so favorable has been inhabited by the human race: none of such extent, and of so useful and delightful a variety. No people so free have ever been so numerous and powerful; they have but one language, and in that language is embodied every thing that is useful or important to be learned. Such a people, feeling their own destiny, must become the proudest, and the most dignified, the least jealous, and the most contented and happy among nations. The thoughts of a citizen, in such a nation, should be too grand and general for local heat and prejudice. Let him think of his country and her destiny, and he cannot fail to be magnanimous in his thoughts.

There is a narrow and unphilosophical, an unbending spirit, among a certain class of legislators, which is astonished and offended at every turn in affairs, and sees a crisis in every difficulty. Let us make up our minds to it, and quietly take up with this proposition, that as in the youth of an active and ambitious man, so in the first century of a rising and powerful state, *every moment is a crisis*. The day is critical, the year, the age, the century is critical, legislation is all critical; new forms of opinion are continually springing into life; new powers are rising on all sides of us, new necessities, new exigencies; our legislation must consequently take its departure from certain grand and simple principles such as suffice for the

government of Empires, and the rule of multiplying millions.

The liberty and equality of the American people, and of those of their race who blend with them and with their children, man for man; that is our first principle.

A solid and efficient governmental organization, wherever men enough are met together to form a town, a county, a municipality, then a state; and for the rapid fusion of states into the one great Empire of freemen, maintaining, at the same time, with a most jealous care, the liberty, and sovereignty of the members, by granting them their separate honors; by honoring their equality in the council of the nations. Here are points of departure for liberal legislation; from which, if we rightly take our observation and measure our course, we shall not be misled by those novel false lights which have appeared in the Southern horizon, Balance of Power, Extension by Conquest.

To doubt the expansive power of the American governmental system, is to doubt the existence of any universal principles of government; nay, it is to doubt the universality and efficiency of the moral law itself, from which that system, together with the law of nations, is immediately derived. True it is, the importance and weight of each particular state is somewhat lessened as the number of all increases; but the efficiency of the principles which govern all and each, is neither changed nor diminished. That law of gravitation which controls the revolution of two planets with their satellites, and harmoniously regulates their times, and subordinates each body to the common centre, rules with greater power, and with equal facility the movements of an entire system. When the principle of the movement is universal, the number of the bodies whose motion is regulated by it, may be indefinitely increased, and thereby there is no confusion, but only a greater stability.

The new State which is asking admission into the Union requires only a formality to become one of us; it is our jealousy only which delays its admission, and not any other reason; if jealousy be a reason: we cannot, constitutionally, lay *political* conditions upon California; we can exact nothing from her that she will be bound to fulfil. She does not ask to be admitted to the

North or to the South, but to the confederacy of the whole. Were it possible for us to make certain political stipulations, to exact certain promises, to force into her Constitution certain provisions, for our sake or for her sake, it might be sound policy to keep her ambassadors waiting in the antechamber, with their hats in their hands, for the sake of humiliation; or to mortify their friends in the House or in the Senate. It was not to insult the South that she incorporated into her Constitution a provision against the holding of negroes in bondage; but wholly to exclude the negro from her limits, and make every inch of her soil a possession for that free and energetic race who are deriving wealth from it. The higher the grade of industry and intelligence brought in immediate contact with the earth's surface, the more willingly and rapidly it yields food and clothing, and comfort, to its cultivators; and, therefore, it is, the new State of California, (for we insist on calling it a State, as it has the natural members and properties of a State) has legislated for the exclusion of the inferior races.

No sooner had the gold region of the Pacific coast become a part of the American territory, it began to be occupied by American citizens; their numbers increased with extreme rapidity; but they found themselves subject to the uncertain and oppressive operation of laws written in a language which they did not understand, and founded on principles which they did not recognize. The native judges of the country were not fitted either by talent or education to arbitrate their differences, or confirm them in their private rights. "There was not a single volume," says Mr. King, "containing the laws of the country, as far as I know, or believe, in the whole territory, except, perhaps in the Governor's office at Monterey." The American citizens, the masters of the soil, already more numerous than the native population, found themselves without protection in their lives and property, saving by a rude military justice, and the force of public morals. Titles to property could not be with certainty established, and were necessarily taken without a possibility of ascertaining their validity.

Without charters, or any legal right of organization, towns and cities were grow-

ing up with all their municipal necessities of police, of taxation, and the protection of life and property. At the custom-house, duties were exacted by the general government, to a large amount, in return for which, the people themselves received none of the benefits of the government which exacted them. "In obedience, therefore, to the extraordinary exigencies of their condition, the people of the city of San Francisco and of other communities elected members to form a legislature, and clothed them with full powers to pass laws."

Their laws and liberties they did not derive from charters, they had them in their minds and in their hearts; they were trained citizens; they knew how to organize a State. They were already, *de facto*, members of a State; they had no gradations to pass through, they were not pioneers, backwoodsmen, or barbarians. "Other territories had been, at first, slowly and sparsely peopled, by a few hunters and farmers who penetrated the wilderness or traversed the prairies in search of game or a new home; and when thus gradually their population warranted it, a government was provided for them. They, however, had no foreign commerce, nor anything beyond the ordinary pursuits of agriculture and the various branches of business which usually accompany it, to induce immigration within their borders. Several years were required to give them sufficient population and wealth to place them in a condition to require, or enable them to support a State government."

"Not so with California; the discovery of the vast metallic and mineral wealth in her mountains, had already attracted to her in the space of twelve months, more than 100,000 people. An extensive commerce had sprung up with China, the ports of Mexico on the Pacific, Chili and Australia. Hundreds of vessels from the Atlantic ports of the Union, freighted with our manufacturers and agricultural products, and filled with our fellow-citizens had arrived, or were on their passage round Cape Horn; so that, in the month of June last, there were more than 300 sea-going vessels in the port of San Francisco."

"California has a border on the Pacific of more than 10 degrees of latitude, and several important harbors which have never been surveyed; nor is there a buoy, a

beacon, a light-house, or a fortification on the whole coast."

"There are no docks for the repair of mercantile vessels nearer than New York, a distance of some 20,000 miles by sea."

"All these things, together with the proper regulation of the gold region, the quicksilver mines, the survey and disposition of the public lands, the adjustment of land titles,—the establishment of a mint, and of marine hospitals, required the immediate formation of a more perfect civil government than California then had, and the fostering care of Congress and the executive.

In a single year California had become a state of great commercial importance; of equal, if not superior importance to any of those which have recently been admitted into the Union as States. Her citizens, therefore, with unexampled unanimity and promptitude, resolved upon the only course, which lay open to them the immediate formation of a State Government. To have waited the action of a Congress paralyzed by a balance of factions, would have shown a degree of patience and pusillanimity on their part unworthy of a people whose greatest glory, in the eyes of the world, is, the capacity which they exhibit for prompt, and efficient, and permanent, civil organization. They did not do this however, until they perceived that they would be subjected to ruinous delays had they to wait on the action of Congress.

In regard to that question which was, "shaking the Union to its centre," and had thus far deprived them of a regularly organized civil government, "they believed that they had an undefeasible right to decide for themselves, if not as a chartered State, then, as individual citizens, and in maintenance of that very doctrine which is so jealously maintained by the South. Was it for them to suppress any portion of their Constitution? To *sneak it out* and make a secret of it, with the intention of *sneaking it in*, after their reception into the brotherhood of States? It had been argued and established, say the friends of Mr. Calhoun, in the celebrated resolutions of 1847, concocted by that much lamented statesman, "that it is a fundamental principle in our political creed, that a people in forming a Constitution, have the unconditional right to form and adopt the government which

they think best calculated to secure their liberty, prosperity and happiness."

President Polk, in his message of 1848, declares that "whether Congress shall legislate or not, the people of the acquired territories, when assembled in Convention to form State Constitutions, will possess the sole and exclusive power to determine for themselves, whether slavery shall or shall not exist within their limits."*

Mr. King states that the date of his arrival at San Francisco was on the morning of the fourth of June. General Riley's proclamation, calling a convention to form a State Government, was dated the day previous to his arrival. Mr. King declares that he had no secret instructions, verbal or written, from the President, or any one else, what to say to the people of California on the subject of slavery. There was no party organization; there could be no secret influences: the people were ripe for the formation of a Constitution, and when the question of slavery was submitted to them by those who were opposed to it, a vast majority was found to be inimical to its admission. All the influence of which we find any testimony that it was exerted by Mr. King, was such as his age and experience, as a practical legislator, entitled and compelled him to exert, with or without executive instructions; that is, to advise a reduction to order of the chaotic Society of California, and to begin that work, which it was the first and paramount duty of the people to perform,—the organization of their society for the protection of life and property,—to show their capacity for self-government, and to test themselves in that particular, before they should apply for admission into the Union. "The Convention," says Mr. King, "was sitting 130 miles from the place where I was; my illness was a sufficient proof that I did not, and could not, had I been disposed, exercise any influence on the Convention; nor had I anything to do with selecting or bringing out candidates." In a word, it is understood that Mr. King did not exercise any political or party influence: all that he did exert was advisory, and for this,

even, we have only the testimony of newspapers.

A very large portion of this lucid and important report consists of a geographical and economical description of California. It may be interesting to the reader to learn, from this authority, that the population of California in 1802 did not reach a total of 17,000; and that in 1839 it fell short of 24,000; of which 18,000 were converted Indians.

In 1838 began the emigration from the United States, and in 1846, Colonel Fremont found it not difficult to raise an army of 500 fighting men. At the close of the war with Mexico there were estimated from ten to fifteen thousand Mexicans and Californians, exclusive of Indians.

The emigration of American citizens in 1849 was estimated at 80,000; of foreigners, 20,000. Thus, it appears that California is, strictly, an American State; more so, than several other States of the Union.

It is impossible to ascertain the number of Indians who occupy the surrounding territory. Of these, the remains of their villages at the feet of the mountains, show that they were once a numerous population. Americans who penetrate too far into the interior, not unfrequently fall in with hostile tribes; and a number have been killed by them. Emigration parties have been frequently attacked. These hostile tribes chiefly occupy the mountains, and range over the deserts of the interior.

Mr. King says that the small parties of Indians which he met, scattered through the lower portions of the footholds of the Sierra Nevada, seem to be almost of the lowest grade of human beings, living on roots and acorns, with occasional fish and game. These, he says, have never pretended to hold any interest in the soil, and have not the slightest inclination to cultivate it. They were too indolent to be profitably employed. He supposes that they will disappear from the face of the earth, as the settlements of the whites extend over the country; but that, at present, a very considerable military force will be necessary to protect the emigrants in the northern and southern portions of the territory.

Mr. King's description of the geographical peculiarities of California and the

* All the quotations thus far given, are from the Report, either quoted by Mr. King, or in his own words.

sea which borders it, are extremely interesting; but to give even an abstract of them would expand this article beyond the limits which are assigned to it: a few particulars is all that we are able to extract.

The forests of California, west of the Sierra Nevada, and below latitude 49, consist only of some scattering groves of oak on the vallies and along the borders of the streams; and of "red-wood," on the ridges, and in the gorges of the hills. With these exceptions, and a dwarfish shrubbery upon the hills, which can be used as fuel, the whole territory presents a grassy surface, varied with wild oaks, which grow in the valleys most luxuriantly. As the summer advances, this slender vegetation perishes, and the country becomes hot and desert-like. About the middle of each day, a cold, cutting wind begins to blow from the mountains, loaded with vapor; which, with the dry heats, render the climate at San Francisco, more uncomfortable in summer than in winter. A few miles inland, however, the climate is moderate and delightful. The best climate of California prevails in the vallies, along the coast range. On the vast plain of the Sacramento and San Joaquin, the sea breeze loses its influence, and the alternations of heat and cold are intense and afflictive to the stranger, the thermometer frequently ranging much higher than is known on the Atlantic coast of the same latitude.

A few months of acclimation, however, reconciles the stranger to the climate of California, and he pronounces that of the vallies which are situated between the great plain of Sacramento and the coast range of hill, "as healthful and pleasant, as it is possible for any climate to be, which possesses sufficient heat to mature the cereal grains and edible roots of the temperate zone."

The seasons, as in tropical latitudes, are divided into wet and dry, and will excite no surprise in the inhabitant of a southern State: the winters being extremely mild.

The soil of the vallies which are situated parallel to the coast-range, and those which extend eastward, in all directions among the hills, is deep and black, and of unsurpassed fertility.

There is said to be a rich belt of well timbered and watered country extending

the whole length of the gold region between it and the Sierra Neva, some twenty miles in width, but it has not been surveyed, nor accurately described.

Mr. King represents that he considers the plain of Sacramento and San Joaquin covers an area of between fifty and sixty thousand square miles; and capable, under a proper system of cultivation, of supporting a population equal to that of Ohio or New York at the present time. It is, of course, to be understood that a system of irrigation would have to be adopted for this region, during the hot months.

Under the head of products, the report observes that the Californians were a pastoral people, and that grains enough for home consumption only, were obtained by the cultivation of the soil. Formerly there was a very great exportation of hides, but the destruction of cattle for their skins and tallow has now ceased, in consequence of the demand for beef; and the increase of population, and consequent demand for food, is so rapid, it is computed that the entire stock of cattle, supposed to be about half a million head, will be absorbed before 1854. The supply of beef will then be of necessity from the Atlantic States of the Union. "No other country," says Mr. King, "has the means of supplying so great a demand. By the regular increase of her population, at the present rate, California will require 100,000 head of beef cattle per annum from some quarter, to supply the wants of her people." This demand cannot be met by the salt provision commonly put up for mariners. It is found that the use of this food during the dry season produces destructive diseases. There is no climate, says the Report, where flesh meat and vegetables are more essential to human health.

To meet this vast demand for live-stock, sheep and cattle will be driven from New-Mexico, and from the western states, and after grazing for a time upon the rich pastures of California, after their journey, they will become acceptable food.

In regard to the cultivation of grains, Mr. King argues from evidence which he considers sufficient, that in the rich alluvial vallies of California, every species of vegetable food may be produced, excepting perhaps, the maize, or Indian Corn; and without that irrigation which is essential

upon plains subject to the continued heats of summer. There is no species nor amount of vegetable production, however, which cannot be obtained from the soils of California by attention to drainage and irrigation.

As long, however, says the Report, as laborers can earn 15 dollars or more per diem, in collecting gold, they can very well afford to import their supplies from countries where the wages of labor are only 50 cents, or one dollar; and this brings us to the most important part of the report, namely the commercial considerations and prospects suggested by a view of the present and future aspects of California, as a country to be supplied by the products and manufactures of the Atlantic States.

The cultivatable land, south of latitude 39°, and west of the valley of Sacramento and San Joaquin, is claimed by such persons as are reputed proprietors of it, under what purport to be grants from the Mexican government. The boundaries of some of these properties, contain two or three times as much land as the grant conveys.

In most of the grants the minerals and metals are reserved to the government, which will perhaps explain the reason why larger discoveries of the metallic riches of the country were not made previous to its possession by Americans, and gives a hint of the true policy to be pursued by the government of the United States. It will be necessary to depart in some measure from the old established customs of government in regard to precious substances found in the earth.

The Mexican law requires that grants made by a provincial government shall be confirmed by the supreme authority in Mexico. Very naturally this requisition has been disregarded; not only because of the distance from California to the Capitol of Mexico, but because the claimants or proprietors, having no particular value for the soil except for grazing purposes, did not think it worth their while to examine into their land titles. There was room enough, says Mr. King, for all. These grants are enormously extensive; bounded by mountains, bays, and promontories, and since the discovery of the precious metals, they have become consequently, of enormous value.

"By the treaty of Guadalupe Hidalgo

the United States purchased all the rights of Mexico to and in California;" a purchase which includes not only the land, but the rights of mining, and all that might accrue from the forfeiture of grants of which the conditions were not fulfilled, or through imperfection in the grants.

For the adjustment of these complicated affairs Mr. King suggests the appointment of competent Commissioners, with a power to confirm all rightful titles. The gold region, which is the same with the foot hills of the Sierra Nevada, some 500 miles long and 60 broad, requires also to be brought under a general system for use and settlement. The report suggests the necessity of a new survey as a matter of very great importance, both to the miners and agriculturalists, and, in general, to all land owners and purchasers. The public are not generally aware, that in the interior, even of the Atlantic States, millions of property and years of litigation are lost through the uncertainty of boundaries. We venture to say that an expenditure of \$10,000,000 upon an accurate trigonometrical survey of the entire Union, would, in a very few years, save the expenditure of much more than that amount in law suits, and the bungling work of county surveyors. Much more then, is a complete and thorough scientific survey needed of a country like California, where the entire value of property is in land.

In this part of the Report Mr. King suggests the employment of a system of drainage and irrigation for the great plain of Sacramento and San Joaquin, which, he says, when agriculture shall have become a pursuit in California, will make this valley one of the most beautiful and productive portions of the Union; but while the hire of a day laborer is 3 dollars per diem, and grain can be procured from Oregon at 50 cents the bushel, there is no likelihood that the people of California will expend any capital in drainage or irrigation.

Under the head of "commercial resources," Mr. King takes notice that the precious metals are the only products of California; a state of things that must remain as long as the pursuit of gold continues profitable. The gold, as it is taken from the earth, weighed in ounces, is the medium of domestic and foreign exchange. Vessels departing from all other ports

bring food and manufactures to the Californians, who pay for them in gold. These vessels, says the Report, will estimate the profits of their voyages by the sale of their cargoes in California. On the arrival and discharge of cargoes, they will become willing carriers of goods sent from California, at very moderate freights. Mr. King supposes that these tendencies will make San Francisco a ware-house for the supply, to a certain extent, of all the ports of the Pacific—American and Asiatic—and for the Islands. He adds that the establishment of a mint in California will bring thither more than ten millions of silver bullion, from other parts of the Pacific coast, to be assayed and coined.

Gold is worth a dollar more the ounce measured by the standard of silver, in New York than in San Francisco; if, therefore, a merchant of Valparaiso receives in payment for lumber, or other produce, ten thousand ounces of gold in San Francisco, and desires to purchase goods from the United States or Europe, he will gain \$10,000 by sending this gold to New York, and purchasing with it there. To carry this illustration farther than it is carried in the Report, let us suppose that goods are sent from New York to California, to the value of \$17,000,000 of gold, paid for them at San Francisco. This \$17,000,000 of California gold will purchase in New York \$18,000,000 worth of goods in that market; a process to be repeated indefinitely in favor of the exporters, so long as the abundance of gold in California shall continue to reduce its price, and the rapid increase of population keep up the demand for foreign products.

Our Report shows conclusively what we have always contended for, that it is not the gold diggers of California who reap the advantage of the mines. "Those who purchase and ship gold to the United States," says Mr. King, "make large profits; but those who dig lose what others make."

The Report argues that San Francisco will become the mart of all exports from the countries on the west coast of America; these finding no markets in China or other ports of Asia. The products and the manufactures of India, which are required in exchange for them, have to be paid for, chiefly, in gold; but this gold must be re-

mitted by the India merchant to New York. It cannot be sent to China, gold in China being not used as currency, and valued at only \$14 the ounce by the silver standard. The China trade will, therefore, still centre in New York. Manufactures and products of India, carried to San Francisco for the supply of South America and the Islands, will be paid for in gold; the gold will be sent to New York, (according to our report, which is founded on the best mercantile authority,) and, with it, there will be purchased sterling bills, payable in London. "These bills, sent to London, will be placed to the credit of the firm in China, from whom the merchandise had been received, and who, on learning of the remittance having gone forward to their agents, will draw a six months' sight bill for the amount, which will sell, in China, at the rate of four shillings and three pence, or two pence, the dollar."

The reader unacquainted with mercantile transactions need only understand that by an imperative necessity of trade, founded on permanent differences of prices in the precious metals, the greater part of the gold of California employed in striking the balance of the Chinese and India trade, will flow through New York, and from that port to Europe; saving what remains, through superiority of demand, in the United States. If the reasonings of Mr. King and the experience of the New York merchants are here correctly given, the harbor of San Francisco will have the control of the commerce of the Pacific, and the merchants of New York will become in future the principal operators between Europe and Asia. A full examination of this part of the Report would have to be accompanied with a treatise on the laws of trade.

The Report dwells, especially, upon the importance of that commerce which is growing up between California and the older States of the Union. Every necessary and luxury has to be imported into California, a country which produces nothing but gold. The ports of the Pacific can supply only a small portion of these. Every species of manufacture that requires an expenditure of capital and ingenuity must come to California from the older States of the Union. The great distances over which they have to be carried already

give employment to a fleet of merchant vessels. The public have heard enough of California prices; we need not dwell upon them here. In the sole article of lumber, in consequence of the demand for houses, it is supposed that the demand will not be less than 20,000,000 feet per annum, at a not less price than \$40 the thousand. With a population of 200,000, that is to say before the close of the present year, California will require near half a million of barrels of flour to be supplied of necessity from the Atlantic States; and allowing only \$20 worth of clothing to each person, which is not half enough, she will require four millions worth. These estimates are exceedingly rude. The entire value of the trade between the States east of the Rocky Mountains and California will not, says Mr. King, fall short of twenty-five millions, and in five years may reach an hundred millions per annum, at the present rates of emigration.

We give the following quotation from the report without comment. "It is difficult to imagine or calculate the effect which will be produced on all the industrial pursuits of the people of the State of the Union by this withdrawal from them of half a million of producers; who, in their new homes and new pursuits, will *give existence* to a commerce almost equal in value to our foreign trade. Let no one, therefore, suppose he is not interested in the welfare of California; as well may he believe his interests would not be influenced by closing our ports, and cutting off intercourse with all the world."

Mr. King shows, conclusively, that even the article of coal will be powerfully affected. He supposes that the coal from the United States will compete successfully with the coal from Vancouver's Island and from New Holland. That the construction of a railroad across the Isthmus of Panama will secure the market for these articles against all competition. With the railroad, communication between New York and San Francisco can be effected in twenty days.

Mr. King's description of the gold region agrees very nearly with the information which has already been conveyed to the public through the news writers. He supposes that the average earnings of the gold diggers are about an ounce, or

seventeen dollars the day; which will give an amount of \$40,000,000, collected during the gold digging season of '48, '49; one half of which was probably collected and carried out of the country by foreigners.

Mr. King advises that a system of licences to gold diggers be adopted, the property of the soil remaining in the nation that; each man, on the payment of a certain sum, say \$16, be permitted to dig for one year: a tax which would give a revenue from 50,000 miners of \$800,000. The entire country will have to be surveyed and laid out; the system will involve the establishment of a military force and a police with sufficient regulations for its enforcement. During the mining season of 1849, more than 12,000 foreigners, mostly Mexican and Chilenos, came in armed bands into the mining district, bidding defiance to all opposition, and finally carrying out of the country some \$20,000,000 worth of gold dust, which belonged by *purchase* to the people of the United States.

We are glad to perceive in the above language of the Report, a clear recognition of the true and only title by which these territories are held.

By whatever right, to use the word 'right' in the technical sense, a possession may have been acquired; by that same right it must be held. If the acquisition is a conquest and founded upon force, it must be maintained by force; and there is no violation of any right or title in it, by the attempt of its former possessor to reconquer it. It is barely possible that these armed bands of Mexicans are as ignorant of the true foundation of our title to California, as these Democratic Senators and Representatives who publicly speak of it as a conquest. We conceive that neither the Mexican invaders who have carried away the gold from the mines, nor their democratic orators have a right appreciation of the means by which the territories of California and New Mexico came into the possession of the United States. According to our understanding of the matter, the war with Mexico was gotten up for the express purpose of wresting these, and as much other territory as might be seized upon, from their ancient possessors, without even the pretext of a bargain or equivalent. Their

grand attempt to involve the entire nation in the disgrace of so deliberate a piece of wickedness met with a most signal failure. Public opinion rose against them, and by the steady opposition of the Whigs, they were obliged to cover their retreat out of this villainy by offering such terms as Mexico might reasonably accept, and without disgrace to herself. The new territories, it is to be eternally remembered, are by no means a conquest, but a purchase; and the right and title of the people of the United States to these territories is founded upon value received, and is good in the eyes of the law. Mexican and Chilean invaders, have therefore no pretext nor precedent, thanks to Whig influence, for carrying the gold, by main force and arms, out of the territories which have been purchased by the people; and if the Mexican government itself abets such proceedings, we shall by and by have a *casus belli* for the war faction, which they will doubtless enforce, as becomes them, with the arguments of a very high-toned morality.

The report continues: "They may with as much right gather the harvest in the valley of the Connecticut, the Ohio, or the Mississippi. No other nation, having the power to protect its treasure would suffer it to be thus carried away. I would not allow *them* (the foreigners,) to purchase permits, or work vein-mines, because the contributions, proposed to be required, are so moderate they will not cause the slightest inconvenience to the miners, and are not designed as an equivalent to these privileges. Foreigners, therefore, would willingly pay their small sums for permission to collect and carry away millions of dollars in value. The object is not only a suitable revenue, but to preserve, for the use of our own fellow citizens, the wealth of that region. The system of permits will make all who purchase them police officers, to aid in excluding from the mines all who are not entitled to, or who do not procure them, and to prevent deserters from the army and navy from being protected in the mines. Sailors belonging to the mercantile marine would be thus prevented from violating their engagements, and the commerce of the country preserved from the disastrous consequences of the abandonment of ships by their crews."

The report concludes with several important suggestions. Mr. King shows the necessity of a powerful military force to be established in California with the least possible delay; of an efficient harbor defence, in case of war; of the establishment of a mint; and completion of the rail way across the Isthmus of Panama. The establishment of the mint he regards as of great importance to draw to San Francisco the 10,000,000 of silver bullion which are annually sent from Western Mexico to Europe. At San Francisco it would then be advantageously exchanged for gold coin, or would be coined itself to fit it for the Chinese and American markets, to aid in substituting Chinese and American manufactures for those of Europe.

Mr. King estimates that 50 millions of gold will be dug during the current year. He supposes that the entire difference in the price of gold between New York and San Francisco, will be saved to the miners by the establishment of a mint; but it is clearly impossible that mere coinage should make gold at \$16, worth \$18 the ounce, or that the coinage should add even five per cent. to its value.

At the very lowest estimate, the increase of emigration in California will create there a population of at least 100,000 of American citizens during the year 1850, if, indeed, there is not already as great a number to be found there. It is not too large an estimate if we allow for each man an outfit and expenditure of \$500; by which it will appear that more than 50,000,000 of personal property have been carried out of the United States into that colony. An equal amount must be added for the sustenance of the population during the year 1850; and as much more for the expenditure of the previous year. The expenses of the colony have then already reached the enormous sum of at least 150,000,000. It will be safe to add at least 5,000,000 more for the employment of sailors and shipping, and the various contingencies and losses attending such an expensive adventure. If the entire cost of the war, including the purchase money of the territories be estimated at 75,000,000, and one third of it put to the account of California, the price of that colony has risen, within two years, to 180,000,000. But if the 100,000 citizens

who have gone to California, had remained at home, they would have remained here as producers. Let us suppose that each of these would have earned \$200, during two years, which is certainly not too high an estimate; that is 20,000,000 of actual production, lost in time and labor; and the new colony of California will now have cost the United States, in the brief space of two years, 200,000,000.

The remittances of gold to the United States have not, if we are rightly informed, much exceeded 15,000,000, and that sum is, by many, thought to be too large an estimate. Let us suppose, that in addition to this, 5,000,000 of profit have been realized by exporters and traders; there is 20,000,000 for the first year, to the credit of California. Now, by Mr. King's estimate for the current year, 50,000,000 of gold will be dug in California during the year 1850. There is 70,000,000 to the credit of California. But no, this estimate is too large; it is not to be supposed that more than 30,000,000 of the proceeds of the current year will be sent to the United States; leaving only 50,000,000 to the credit of the new colony for the proceeds of two year.

It is impossible to come to any other conclusion than this, that this new colony of California has cost the United States 150 millions in personal property and the labor of its citizens, for which no return or profit has been received; that is to say the colony has cost \$1500 per man. We have sent away 100,000 men, and with each one of them \$1500. It is impossible to escape from the conclusion.

A great deal has been said and written in ridicule of English colonial economy. It is a fair subject of doubt, however, whether England ever sent out a colony more costly for the time of its duration than our Californian one.

We are, therefore, to conclude, and our conclusion is well fortified by facts which have been communicated to us through several adventurers who have sought their fortune in California, that the rapid fortunes made there are, by no means, as some have imagined, taken out of the earth with spade and pick-axe, and by strength of hand. In newly settled countries more than in any other, sudden augmentations of the value of land, and of

professional services, give opportunities unknown in other countries for the rapid accumulation of wealth. This accumulation is by the transfer of the wealth of many into the hands of a few. The usual causes of inequality existing with far greater intensity than in other communities, their effects are increased by the carelessness and ignorance of new comers, whose property slips easily through their hands and falls into the purses of those who stand ready to appropriate and use it. It is only after severe losses and bitter sufferings, for the most part, that the poor and inexperienced colonist is able to establish himself in tolerable comfort. As California is described to us by eye witnesses, nothing can exceed the waste and reckless profusion of those who meet with a sudden turn of luck in the great lottery of the mines. Their fortune is shared with them by their brother adventurers, who have had the wit to engage in easier but more ingenious kinds of speculation.

Let us suppose that, by a kind of miracle, the entire population of California, together with the one hundred and fifty millions which have been sunk during the two years enterprise of that colony, could have been converted into an agricultural community, and transported to the interior—let us say, of Ohio, or Pennsylvania. One hundred thousand farmers, with each a capital of \$1500! Each one of them might safely undertake to put the one-half of one hundred acres of wood-land in good order for cultivation, and in five years to convert fifty of those acres into rich and full bearing cornfields and meadows. Five millions of cultivated acres, producing each \$20 worth of produce. There would be already created an annual income, to this agricultural colony, of 100 millions; needing only to have suitable roads to convey the surplus of their products to market, and the establishment of manufactures with a portion of that surplus among themselves, to convert them into one of the wealthiest communities in the Union; living, not as our unfortunate Californian brothers now live, in danger of malaria, murder, starvation, and every species of natural accident; deprived of home, comforts, and all the aids and consolations of a peaceful society; but living, as men should live, civilized, organized, and in peace.

The spirit which possesses a large portion of the American people at this time, seems to possess it, like an eccentricity of genius, or like the blindness of a Samson; by its own folly it grinds in the mill of poverty and destitution, and he who grinds is not responsible for himself alone; he compels others to suffer with him. He compels others, by the share which he bears, as a practical legislator in the affairs of his country; he legislates practically by his vote; by his vote he throws down those natural protections and barriers, peaceful, but insuperable barriers, which may be erected by the laws against the hostile enterprise of other nations, more adroit, and steadfast, and far-sighted than his own. And by this perverse spirit he is driven out, like Ishmael, with his tribe into the wilderness to fall a prey there to the harpies that haunt *untilled lands*. With agriculture alone, such is the eternal law of progress, begins the enduring prosperity of communities. Upon the shoulders of that Atlas the sphere of civilization rests with its full weight.

He and his tribe must go into the wilderness, because at home they have shut their eyes and set their teeth against the only means of prosperity. They will be free traders,—they, or to ruin they will go. They are martyrs, forsooth, for a principle.

Let us now suppose that, by an opposite system of legislation to that which has been now, for twenty years, pursued, not one hundred thousand unfortunate adventurers, but ten times that number had been suffered to find employment for their strong hands, their free and ready genius, and their quick wits, in new modes of industry, in the heart of the old States. In two years, by the imposition of 25 millions upon the entire country, in the shape of duties, would not four times that amount of value have been created, by new shapes of industry *protected*, and springing up vigorously in all the towns and villages of the Union? whereas now, under our free trade legislation, and our sad and terrible spirit of Ishmaelitism, of desert wandering, of gold hunting, and robbery, and conquest, we have incurred already some 75 millions of unavoidable taxation, with interest, and as much more, at the last estimate, in personal property taken away from us to be

sunk, and forever buried and consumed on the slopes of the Sierra Nevada. Barren, deceitful, burning country, the country of diseases, wasteful, unfortunate country; cursed, like a young heir, with an inheritance of gold, which it must waste, and spend, and devour, until all is gone, before it can assume the garb and the habit of severe, honest, and saving industry?

Such, however, is our fate. The steed will run away; and while he does run, we can only guide him. Since extension is the rule, let us make the best we can of it. If, by a false and injurious system of legislation, we have driven our brothers into the wilderness, let us do all we can for them where they are. Let us make their fate bearable; infuse into them a spirit of humanity, and of kindness; extend over them the protection of the happier and more powerful States; give them every assistance in their attempts to organize themselves, and encourage all their efforts to build up a secure and peaceful State. They must come into the Union, sooner or later; every man knows that they must be brought in, with or without their anti-slavery provision; it makes no difference.

Legislation is the highest act of which men are capable; it should, therefore, as its effects are the most momentous, be the clearest, and the least doubtful. It is certainly unfortunate, not only for California but for the nation, that the question of her admission should, in all these proceedings, have been confounded with other, and wholly irrelevant matters. What we desire to see accomplished, during the present session, is, first, the admission of the new State, not with reference to any system of encroachment upon the rights of the South,—for the admission is no part of any such system, nor can be made such a part,—but simply, because it is right and necessary for the prosperity of California herself.

The next thing which we desire to see accomplished is the immediate and effectual abolition of the slave traffic in the District of Columbia. Were it our part to do so, we would bend every effort toward the removal of this sore and canker on the body of the State. We would not suffer that question to be entangled with any others. Thirdly, and as insubordinate in importance, we would endeavor to accomplish the establishment of an effective government for the terri-

tory of New Mexico; not with any reference to the question whether she should become, or should not become, a slave State in future, but only because it is just and necessary that such a government should be established. We would not revoke the ordinances of the Mexican Government, but leave the law as it is, and give the people full liberty, and every advantage for the formation of a new State, under such a Constitution as might please themselves, and not us.

The settlement of the boundary question between New Mexico and Texas, ought not to interfere, and cannot interfere with the duty of the general Government. Let an arbitrary line be drawn, and all without that line be left under the protection of the Texan Government. If a line cannot be agreed upon, let one be assumed as debateable, and subject to litigation before the Supreme Court; let the bill be so framed as to leave open the adjustment of the line; let the territorial government be merely a protective and temporary government; but still effective, and sufficient for the purpose; let the bill by which it is established be unencumbered by any species of proviso, and made good, by and for its own reasons and necessities, and separately enacted into a law.

The present policy of the Southern Senators is, to hold up continually, and to reiterate, the constitutionality of the designs of certain Northern agitators. They agitate in every shape certain propositions and principles as well known to, and as deeply rooted in, the minds of Northern politicians as their own. The North does not need to be informed of what the South is continually assuring them.

Resolutions to the effect that Congress has no power to abolish slavery in the District of Columbia; that Congress ought not to abolish slavery in the ports and dock-yards of the United States, serve only to waste the time of the Senate and to exasperate the passions of both parties. To become a portion of the fundamental law, they must pass through both Houses, under the conditions required by the Constitution. And unless such an enactment could be accomplished, they are of no value, except to such agitators in the North as will use them as a powerful political lever to break up the old party lines

and engage the more ignorant part of the people in a crusade against Southern institutions.

It is a pity, it is a thing deeply to be deplored, even if it cannot be helped, that Southern Legislators should insist upon this hashing together, and making an indistinguishable mass of things, which, by their nature, refuse to be conjoined, and which have a separate importance and interest, and require to be treated, each, from the view of its own facts and its own consequences. If it is admitted to be a desirable thing—and who denies it?—for the new State on the Pacific to be made a member of the Union, the admission of that State does not become a precedent against the South. The nature of the necessity is such as to put aside every species of compromise. We cannot draw a line through California, dividing her population into slave-holding and non-slave-holding. We cannot identify her citizens with those of New Mexico. We cannot fix a law upon the people of New Mexico compelling them to admit slave-holders, as a condition of being themselves admitted to the Union.

If, however, it is impossible by any other course to pacify the heat of the two factions, let us, at least, move expeditiously and promptly in the course adopted, using the greatest care in this new kind of legislative joinery, to unite only such parts as will adhere.

A bill, boldly constructed, and forced through the Senate, may be rejected by the House; and then, we are no better off than at first. Indeed, we are worse off than at first; the political effect would be worse. Were a bill simply for the admission of California rejected by the Senate itself, the blame would rest, where it belongs, and there would be no charge against us for temporizing, or mincing, and encumbering the question.

It seems to be a very general opinion, among those who have kept an eye upon the proceedings of Congress, that no separate and independent bill for the admission of California will be allowed to pass the Senate at this session; that every bill for the admission, of necessity, will be encumbered, previous to, or during its passage through the Senate, with a provision for territorial governments in New Mexico without

any clause for the prohibition of slavery. In the House on the contrary, the intention of the anti-slavery proviso prevails so far, it is held certain by some that every encumbered bill of that character will be rejected, and that, consequently, California will not be admitted into the Union as a State, during the present session.

The results of such a course of legislation, or rather of non-legislation, or refusal to legislate, when the spirit from which it rises comes to be considered, will be disastrous not only to the South in particular, but to the tone and harmony of the nation. As for its effects upon the people of the territories and the West generally, their alienation cannot be doubted. In California, as well as in Ohio, it will create an intense and peculiar hostility. In New England, the effects of such a conduct are equally certain. In the South itself it cannot fail to produce, in time, a violent reaction against itself. In a word, it will everywhere arouse and fortify that spirit of innovation and of hostility to Southern institutions which has lately appeared in such a formidable shape, but which might have been annihilated, and may yet be annihilated, perhaps forever, by a single act of magnanimity on the part of the Senate. At the end of this long and idle session, during which not a single measure of national importance will have been adopted, a feeling of disgust will spread itself over the country, and a sense of the necessity of sending other and more forcible men to do the work of legislation, will take strong possession of the people's mind. In every village, throughout the entire Union, there will be a struggle. In two-thirds of these, there will be a visible decline of favor to the South, and a loss of power in the struggle. The mind of the people is not yet fully made up; they are willing to concede to Southern Senators, those qualities of magnanimity and that spirit of liberality in legislation to which they have hitherto laid so exclusive a claim. Let this feeling of involuntary respect for Southern men and their ways, which has come down to us from the days of Washington, be once fairly eradicated from the popular mind, in the North and West, and there will ensue such an overturning, such a sudden inequality and change in the much desired balance of power as will give a shock to the

entire system of the Union. The stone will roll along the other slope. Political power will cease to emanate from Southern centres. The heat of the Northern will then exceed and subdue that of the Southern fire; and we have fixed the date of a new epoch in party history.

Opposition to slavery is by no means a fluctuating, but always a steady and increasing motive in our national politics. It cannot be extinguished; it cannot be subdued; it cannot be even diminished the minutest fraction of a thought. Every word that is spoken contemptuously of it, infuses into it a fresh life and vigor. Every opprobrious epithet heightens its crest. As it is fanatical, it is thick-skinned and dangerous. As it is allied with superstition, it is popular, and pervading. As it is a perpetual leaven, it is used on all occasions to leaven every species of agitation. Like the Greek fire, it burns in all elements: it burns in the Southern as well as in the Northern element; there is no condition of society which refuses to wear it, or which does not imagine that in assuming it, they have won a new claim upon the favor of God. Its movement is the Crusade of the day.

Viewing these things in such a light, the opposition of some injudicious legislators to the free introduction of California, because of that one clause which she has incorporated in her constitution, sounds to us like what is sometimes vulgarly called a tempting of Providence. Could the South be made aware of the immensity of the mischief which these noisy partizans are pulling down upon her head, we have confidence enough to believe they would be silenced by their constituents.

A committee of thirteen of the most experienced and respectable members of the Senate has probably by this time been appointed to take into consideration not the expediency of admitting the new State, (for upon that point the majority seem to be agreed,) but of joining to the instrument of admission certain other legislative provisions.

Mr. Clay will doubtless be made chairman of this committee, as the movement originated, or, at least, is mainly supported, by him. At former epochs, the most severe and dangerous, he has identified himself with the policy of peace and na-

tionalization, and by his skillful management of the most dangerous controversies, has well earned the title of Pacificator of the Union.

Let us make a rapid survey of a part of the ground which would have to be occupied by such a committee.

Their first and prime object is the pacification of parties, by the removal of the causes of aggravation. This we understand to be the object of such a committee.

It would be a committee of conciliation, and not of sacrifice. Those who are opposed to the extension of slavery over the new countries are not expected to bate a particle of their opposition. They will have indeed to be reminded, that by the terms of her annexation Texas received no boundary; and that she has a right to ask for such a boundary as will enable her to carry out the other conditions under which she consented to blend her nationality with our own—namely, the condition of forming two or more slave States out of her territory.

If the demands of California for admission are pressed by one side of the committee, the conditions of Texan annexation will be offered by the other.

The attitude of the committee is the attitude of the entire nation. The entrance of Texas into the Union was opposed by the people of the North from no very refined consideration, but mainly because she was a slave power. The entrance of California is favored by the same party for the opposite reason, namely, that she is *not* a slave power.

From this injurious eagerness and strife of factions may be derived a conclusion as solid as the Constitution itself, namely, *that the particular condition of a certain portion of the inhabitants, blacks or aborigines, in any new State asking admission to the great fraternity of States, makes nothing for or against its admission.*

"The African race, bond and free, and the aborigines, savage and civilized, being incapable of such assimilation and absorption remain distinct, and owing to their peculiar condition they constitute inferior masses, and may be regarded as accidental if not disturbing political forces." The presence or absence of such a disturbing political element cannot be made a ground

for the expulsion of a State from the Union, or for the refusal to admit one.

A committee of the entire nation, they would concede at once the propriety of admitting a new State, without regard to any policy which she might adopt for the government of the inferior races.

An unsettled boundary between nations is usually, sooner or later, a cause of war. Had the boundary between Texas and Mexico been settled by the peaceful arbitration of the United States, previous to the act of annexation, there would have been no war with Mexico. California and New Mexico might have come peacefully into the the Union by treaty and purchase, after the precedent of Louisiana and Florida.

It is a part of wisdom, therefore, to weigh well the contingencies of every measure of annexation, before it is adopted, even of this favorite admission of California.

Unless the admission is accompanied by measures of conciliation on the part of the Northern faction it will be regarded by the South as a political conquest—a victory by the power of numbers, and will breed bad blood, and strengthen and intensify the factious hatred of the Southern party.

Were the measure one of vast and obvious benefit to the North, it might be carried *vi et armis* on the plea of mere advantage. But no pretext of the kind is offered. It is merely a triumph of the non-slaveholding States, beneficial to them only by the remotest contingencies. To the nation as a whole, on the other hand, the admission of the new State is to be regarded as of the first importance. A committee of the entire nation will look upon the admission, in itself considered, as a measure of national necessity.

As a national measure it must be accomplished in a spirit of peace, of union, and of nationalization; and, consequently, as it carries with it the odium of a political or factious victory, enough of concession and compromise would be demanded by the Southern half of the committee to annul and do away with all factious advantages on the other side.

To effect this end, there would doubtless be an effort to join with it: 1st, An acknowledgement of the claim of Texas to a share of territory sufficient for the accomplishment

of the terms of annexation. All that is desired by the Southern half of the committee in regard to Texas is such an adjustment of the boundary as will suffice for the fulfillment of these valid and binding conditions, so as to put them beyond the reach of violation.

2d. The establishment of a territorial government in New Mexico. The extreme party of the North wish to have a law passed by the General Government, prohibiting the introduction of slaves into the new territory; they wish to extend the protection of the ordinance of 1787.

The majority of the inhabitants of these territories are, it is well known, opposed to the introduction of slaves; upon them the responsibility ought to rest. Let them have a territorial organization, as the first step toward the formation of a State. Once organized they will act their own pleasure in regard to the introduction of slaves.

In view of those future annexations of territory which must follow rapidly upon the settlement of such as we already possess, it is highly impolitic for us to attempt any direct legislation upon this point. All that is demanded by the South, namely, that the territory of New Mexico be organized without prohibition or recognition of slavery, may be safely granted by the Northern party. Once a territory, New Mexico will rapidly become a State, and her admission will add no strength to the faction of the extreme South. There is hardly a possibility of her coming in as a slave State, and by her free entrance and that of California and Eutaw, the precedent is forever established, as the basis of our future "colonial system," of admitting new States upon the original footing, as *free colonies*, bringing with them their own colonial institutions. By this policy we es-

tablish forever the system of independent sovereignties, the system of the constitution and of union. The prohibition of slavery by law in New Mexico, would stand, upon a turn of parties as an infallible precedent for its establishment by the same authority in Cuba, or in some other new State. Let us never lose sight of the contingencies or rather of the certainties of our future. State after State will have to be admitted, until the continent is absorbed. What a dreadful future will that be, if we adopt the temporary strength of faction, as the guide of our colonial policy: Abiding, on the other hand, by the free policy of the old thirteen colonies, by which every member of the nation was brought in sovereign and independent, how peaceful and glorious the prospect of that future!

Such, if we have rightly surmised, would be the considerations that would actuate a committee of the more moderate and patriotic statesmen of both parties, assembled for purposes purely pacificatory and national. Other considerations would, of course, be submitted to them. They will be required to report upon the expediency of abolishing the slave traffic in the District of Columbia, a measure purely advantageous and calculated to stifle perhaps one half the anti-slavery agitation.

Other difficult questions would be submitted to them to be discussed and reported on, in a spirit at once constitutional and conciliatory. But it would avail nothing to connect them with those more important and momentous ones which have passed under our view. Such forced and unnatural alliances would serve only to exasperate the opposition of the more popular branch of the legislature and retard their accomplishment for another year.

USES AND ABUSES OF LYNCH LAW.

WHOSO SHEDDETH THE BLOOD OF MAN, BY MAN SHALL HIS BLOOD BE SHED, is a doctrine derived from that authority, which is the acknowledged foundation and cornerstone of all law among Christian and God acknowledging nations. Nor is it, by any means, confined to them; the Mahometan, the Armenian, the Worshipper of Bramah, the fire adoring Persian, the imaginative Indian,—all recognise it, although ignoring the source whence it is derived.

But is there no modification? There is. The spirit of a law must be regarded in preference to its letter, and the spirit of this law, emanating directly from God, and endorsed, almost universally by man, is against *murder*—cold-blooded, deliberate murder.

In the anticipated fate of the criminal, sickly sentimentalists lose sight of the crime, and the day has not yet passed when women, who would appear to much better advantage in their legitimate sphere, darning their husband's stockings, or preparing the family dinner, throng the court-rooms, shed tears of false pity, call meetings, circulate petitions, and, more ridiculous and disgraceful still, send notes of sympathy, encouragement, and condolence, perhaps even a bouquet, to felons, provided always their crime be of sufficient magnitude to merit such distinction.

They have set up, as an axiom and a text, that *the worst use you can put a man to is to hang him*. We do not know about this. To turn a man in form, but tiger in heart and habit, loose upon the world, is rather worse than to mete out to him the punishment which he has deservedly merited, according to our mode of thinking.

Shut him up in a penitentiary? and for what purpose? To remain there one, two, or three years; then to be used as a political engine by some time-serving Governor,

who, to secure a score of votes, would turn the tiger free, to glut him with fresh spoil, not improved in feeling, or character, by his association with those like himself, but emerging again among men, no longer his fellows, with embittered feelings of hatred and revenge toward the whole human race.

When you can build prison walls so high that no criminal may scale them, enact laws so stringent, that no minion of office can trample them under foot, for his own, or his party's advantage, find jailors so honest that gold cannot corrupt, or sympathy and pity tempt, and formed, too, of such stern stuff as to exempt them from danger in the attack of an infuriate demon; then, and not till then, abolish, in toto, capital punishment.

We hear much, of circumstantial evidence, of the suffering of the innocent, and the escape of the guilty; but not one iota of truth exists in one case of one hundred. Every idle tale of a penny-a-liner, every silly coinage of the novelist's brain, is picked up, announced as startling evidence, made capital of, and treated as if it were as true as the Holy Writ. The fault exists—for fault there doubtless is, and not so much in the punishment of the innocent, as the acquittal of the guilty—in our laws, in too hasty decisions, in bringing men to trial before proper evidence is procured, or the case correctly understood; and in discharging them—judge and jury knowing them to be guilty—because sufficient testimony cannot be obtained to satisfy the technical scruples of the law.

We have, perhaps, strayed from the legitimate purpose of this article, which was not intended to consider capital punishment in the abstract, but simply the application, more or less severe, of Lynch Law. To proceed with our proper subject; the first step is to endeavor to impress upon the

reader's mind, as well as we may, the condition of the inhabitants of a newly-settled Territory or State.

These, we think, may be properly divided into four classes. First, the hunter and trapper, far, very far, in advance of civilization; mixing with the Indian, and, frequently, without anything like a regular home or shelter. To these, we might perhaps add the Indian traders, and then the class would be numerically so small, as scarcely to be worthy our present consideration.

The second class comprises the backwoodsman,—the true pioneer,—always to be found upon the very verge of civilization, forming, as it were, a living wall of defence and protection between the settlers and the tribes of Indians.

Class the third embraces those residing in, and thinly scattered over the outer ring of the settlements, usually cultivating their own land, generally small planters, or stock raisers, and composed of very heterogeneous materials; honest men, tempted there by the love of a new country, or a desire to purchase land cheaply, and, among them, outlaws, desperadoes, and rogues of all degrees. It is among the third class, that the so-called Lynch Law, is of more frequent occurrence.

The fourth class embraces the inhabitants of the more densely populated portions; of the towns, &c. Of the first class we have little to say; living entirely beyond the reach of the arm of the law, they soon become almost Indian in their habits and feelings, but are, upon the whole, a most useful class of men in a new country; serving as they do, for spies, guides, and soldiers, of incalculable value, in case of troubles upon the frontier, which alone drive these men, in a body, back upon the settlements.

The backwoods-man is a character as little known as appreciated among us. Rude are they in manner, language, and dress; avoiding the settlements and busy haunts of men; when they find the tide of emigration setting in around them, they evade its first rippling waves, by plunging deeper and deeper into the forest. Now, what may be the cause of this? It cannot be crime that drives them from their fellows, for crime and a bad conscience compel the miserable wretch to seek relief

from reflection, in the society of men like himself. It is a far different cause,—or, rather, combination of causes,—that produces this result. Many a frontier-man, rough and rude as he may seem, yet bears within his bosom the germ of true romance and poetry. He seeks a retirement where he can enjoy Nature and a simple life, uninterrupted by the noise, disputes, and, worse than all, the, to him, hateful conventionalities of his fellows. In *his* mode of life is a wild but lofty spirit of independence, which, once tasted, can never be forgotten, and, indeed, it would seem that all men are prone to retrograde from what we call "civilization."

The conventionalities of the world are so many chains and fetters to the free spirit, which necessity has thrown over, and bound round, those who compose what is termed society. As a proof of this, you will seldom find a person, who, either of his own free will, or from stern necessity, has passed sufficient time among the woods and wilds, to properly accustom himself to, and appreciate them, that is ever willing to return to the crowded city, and busy haunts of men; whatever may have been his previous station, or rank, in the walks of life.

Those hosts of adventurers who rush to our new States, seeking fortune or fame, belong not to this class. Their wishes can only be obtained among crowds; they but hasten to anticipate their arrival, and obtain an early and sure foothold. Their approach heralds invariably the departure of the pioneer.

The desire to be alone, amounts with him in fact almost to monomania; although the stranger, whom chance, curiosity, or misfortune may have thrown in his way, is welcomed to his hut with unostentatious, but genuine hospitality and kindness. They are glad to see him, to glean from him news of the busy world without, and *here* they feel that he cannot be their superior.

Perhaps, after all, the "*aut Caesar, aut nullus*," may be at the bottom of their idiosyncrasy.

The most eminent divine, the shrewdest merchant, the most subtle advocate, would soon learn that the talent, scholarship, or capacity for business, which gave him name, consequence, and wealth among the

multitude, was but a useless bauble there, and if he were wise, would hide it, like honest Robinson Crusoe's lump of gold, until circumstances again might place him in such a situation as to render it valuable. Soon would they learn to look upon the man, as being at least their equal, who, without chart or compass, can steer his undeviating course through the trackless forest and over the boundless prairie; who, with his never failing rifle supplies his family with food; who, without aid of tailor, hatter, or shoemaker, prepares his own rude and simple but appropriate dress; who, hourly accustomed to danger, looks upon it not as a cause for fear, but for immediate and skilful action.

They would soon learn to respect him, whose sole dependence is upon himself and his Maker, looking not to man for assistance and advice, but trusting in a cool and correct judgment, and arm nerved by healthful exposure and toil, and an eye and ear almost as true as those highly gifted individuals in the fairy tale.

This class of men form a western barrier more firm, more efficient, and more to be depended upon, than the boasted wooden walls of England. They are increasing every day, and will continue to increase, until the tide of civilization shall have overwhelmed all the vast West in its ever advancing wave, and then, as others have already done, they will spread to the North and to the South, to prepare new ground for the multitude, to conquer new territory, and again to leave, until driven to the extreme verge, they are finally engulfed by their remorseless and insatiate adversary.

As the Indian retreats, step by step, in his very foot-prints, follows the pioneer, who, in his turn, is forced ever onward by those with whom he has but little more community of feeling than with the Indian himself. It is the chase of human waves upon the sands of life.

Among the pioneers the outlaw is seldom found, and if he should venture, he must mend his manners, or meet with short grace and a sure rifle ball; for much as the wild woodsman despises the law and its emissaries, the hatred of its constraints bear no comparison to the intense disgust with which he regards crime. Theft is with him a sin of magnitude, and murder

is punished according to the Indians' code.

As we have before said, the necessity of inflicting speedy punishment upon the guilty, exists more particularly among the thinly scattered settlers and planters inhabiting the frontier counties of a new State.

With the question of capital punishment, among us of the Atlantic border, or any of the more densely populated States, we have nought to do.

The reader will, perhaps, think that we are taking an unwarrantable liberty with our subject, in creating a distinction between the operations of regulators, and the results of proceedings in criminal cases, in which the entire population of a section or district take part; but as we have given our article the title of "*The Uses and Abuses of Lynch Law*," he may, if he choose, include all "regulating" among the *abuses* of the system.

In the meanwhile we crave his patience until he shall have heard our reason for establishing this distinction.

In border counties, where there are no jails within whose limits criminals can be confined, what shall be done with them?

Desperadoes, and villains of every degree, in the South West are far from solitary in their habits, but will be generally found to be connected with a host of others, ready to assist them in any infamous project, or to shield them from the consequences, and interpose between them and the arm of the law.

Where there are sufficient numbers of such outlaws in a county, they will seldom shrink from a trial. Never, in fact, unless the crime be one of so heinous a nature, and so certain to be established against them, that they fear the personal interference of the people, in case the law should fail—as it almost invariably does—to fasten the guilt and inflict the punishment upon them.

They may completely set the law of the land at defiance. Witnesses will be found to prove any thing required in favor of the prisoner, and against the testimony for the prosecution; juries will be packed, officers bribed, the little county town filled with noted desperadoes from far and near, usually, perhaps, without any apparent organization; but their presence is felt, and their purpose well understood.

Juries, witnesses and lawyers, are too often overawed; and in the law there is no remedy, on the contrary, too often the law is a very protection to the criminal.

There is no possibility of improvement, for the moment the clan have obtained and exhibited a supremacy in any county, from that instant they will increase in numbers and in boldness, until it is certain death to any who may attempt to prosecute them, or even mention their misdeeds.

Then, every honest man must either submit patiently, and without complaint, to their aggressions, receive with the appearance of warm hospitality, greet with the semblance of friendship, welcome to his cabin, his table, and to the society of his wife, his daughters, and his sons, men whose hand he knows to be stained with blood; or he must sell out his homestead, at whatever sacrifice, and move far away.

To obviate this, the only practicable mode is, upon the first appearance of crime of sufficient magnitude, that the whole body of settlers near should rise, arrest the criminal, try him impartially and justly, then mete out to him such punishment as their own common sense and correct ideas of right and wrong may dictate.

For murder, the punishment is invariably death; for other offences, usually an order to quit the county forever. In such cases, assistance is frequently extended to the family of the culprits, in the disposition of their farms, and in the moving of their household goods and cattle.

Which of the two is the wiser course? by one single act of justice—when law cannot be depended on—to free the county forever from the danger of becoming a den of thieves and murderers, or by tamely submitting allow the villains to obtain such a foothold that, in the end, the honest portion of the community are forced to call upon the adjoining counties for assistance, and the power of law is only restored and asserted after a bloody and protracted battle.

The system of "regulators," and their ever concomitant opponents, the "moderators," WILL NOT DO, and as soon as two regularly organized parties are found to exist, it is the part of every wise man—

who has due regard for his life and peace—to move, at any sacrifice.

So often has the plan of "regulating" a county been tried, and so fatal have invariably been the results, that the very name of "regulation" has come to be considered as one synonymous with that of murder and robbery.

Perhaps, in most instances, the first intention was a correct one; but when a few men are banded together with the intention of controlling many—of administering justice to, and inflicting punishments upon, their fellows, according to a code they themselves have laid down, and this without the slightest semblance of legal authority; abuses do not creep, but walk boldly and bodily into their system.

It is not the action of an entire section of the settlers, who, incited by the commission of some heinous crime, or aggravated by the perpetration of numerous petty offences, rise with *one* feeling, and as *one* man, punish the offender.

The true history of the "rise and progress" of all "regulating" and "moderating" may be given in a few words.

A few influential and determined men club together to reform a county, or to prevent crime, *ab initio*. Too often their proceedings are in secret, and the punishment which has been decreed to the offender, is administered by a party in disguise.

Such proceedings must necessarily awaken distrust and fear, among the more quiet of the settlers; while the rogues, whose characters are not yet known, hasten to obtain admittance to the corps of regulators, both as a shield against enemies, and a cloak to cover their own misdeeds.

Ere long the vindictive actions of the party, or the rascalities of its members, call down upon them the indignation of the rest of the county, and a counter party is got up, nominally to keep the regulators in check.

The last formed parties are called moderators, and invariably contain all the spare rascals in the county, whom the regulators have not already received into their ranks.

From this moment, a deadly feud commences between the two, and ere long the war is conducted with such ferocity, that two persons of opposite factions seldom meet—where there are no witnesses by to tell the

tale—without a combat, often fatal to one at least.

Some few years since, in one of the border counties of Texas, the two factions met in force. A regular battle ensued, in which forty or more lives were lost; and the disgraceful affair was only terminated, and peace restored, by the marching a strong force from San Augustin.

To give the reader some idea of the consequences of the system, we will state that to our knowledge, in the county of Harrison, in Texas, is a small stream, or bayou, known as "Widow's Creek," and upon its side, within a distance of five miles, are living—or at least *were* a year or two since—twenty-five widows whose husbands were all slain in this unnatural warfare; and that upon the plantation of a gentleman of our acquaintance—in the same county—are the graves of five former occupants of the land, who all have perished with ball or knife.

Marshall is the shiretown of the county, and it would strike a member of the Peace Congress with amazement, could he but see the appearance of the men who visit it upon a public day, armed as they are verily to the teeth. We remember a peaceable looking old gray-headed personage, riding in, one fine morning, with no implements of war *visible*, except a double-barrel and a bowie-knife, and the loungers remarked that *he* was rather poorly provided for, and "wouldn't stand more than half a chance."

The prevalence of so many weapons of war, however, produce one good effect. When voices are raised in anger, and knife and pistol flash in the sun, the hangers on about town, do not all run to see, but according to their vernacular, "tree" in the first store or "grocery" convenient. N.B. said "grocery" signifies "bar-room" as also do "Confectionary" and "Coffee-house."

Our immortal first Grandmother,—of the enquiring mind,—and the respectable but inquisitive Mrs. Lot, might here have learned a lesson that would have kept one from the discovery that apples did not agree with pairs, and the other, from engaging permanently in the salt business.

At Montgomery's Point in 1841, the "Regulators" and "Moderators" wound up their affairs by the driving of sixty odd

persons of all ages and both sexes into the Mississippi. Which was the conquering and which the conquered party, we forget; but it is a matter of small moment—*arcades ambo*—two more villainous collections of blacklegs and assassins, probably could not be found, and had they performed over again the exploit of the Kilkenny cats—leaving nothing but their tales for us to relate,—it would have been a blessing to their country.

Having drawn the distinction between the so-called "Regulating" a county and the application of Lynch-law proper, let us examine the causes and effects of the latter, as exemplified in a few prominent cases.

One of the earliest instances in Texas, was in the case of the murder of an old man named Birkham, and although the tale has been told elsewhere, dressed in the garb of romance, yet we will now relate *the facts*.

He had lived upon our frontier for many years, and was in some respects a living copy of, or rather might have served as an original for Cooper's Leatherstocking.

With no family save a wife, he spent his time in cultivating a small spot of ground, in hunting and acting as a guide to surveying parties. He also had great influence over the Indians, and received a moderate compensation from our Government or their agents for his services in preserving peace among the savages and preventing them from the commission of depredations.

Although his cabin was near Trammel's Trace, and in a part of the frontier where many of the settlers were men of bad character yet he was respected and beloved by all, and regarded in a truly patriarchal light.

Did the Indians steal the settlers' horses? it was Charley Birkham who found them and obtained their peaceful restitution. Did the neighbors differ in their settlements? it was he to whom all such disputes were referred, and his decision was deemed as irrevocable, as that of the Medes and Persians. The old man had been invited to attend a log-rolling, raising, or some affair of the kind at a distance from home; so far indeed, that he preferred to start before night with the intention of "camping out" upon the road.

Putting a pair of log-chains in his saddle bags, in case they might be needed, he left

home some two hours before sunset, telling his wife to expect him upon the third day.

The third day came, and with it a party of settlers who had been at the frolic, and as usual all stopped at Birkham's cabin to have a word of friendly chat, and to enquire why he had not attended also. The consternation of the poor wife may be well conceived, and although the party endeavored to console and cheer her with the hope that her husband's mule had ran away, or that he had turned aside from his path to aid a traveller, yet they had but small expectations themselves of finding him.

Had it been any other man in the settlement, they would have given up the idea of his being found, for it was a wild country and had many wild inhabitants; but old Birkham had not an enemy in the world, the Indians and the veriest desperadoes loved and revered him.

They turned their horses' heads and rode back upon the trail, until they reached the nearest cabin, which according to their calculation would be as far as he could have ridden ere night overtook him.

The occupants of the cabin were a man and woman, past the prime of life, and a boy of perhaps fourteen years of age. They had always been regarded as very suspicious characters, not mingling at all with the other settlers, and being visited by strangers, whom the keen eyes of the backwoodsmen marked for villains.

Upon being interrogated, they stated, that Birkham called there at sundown, asked for a brand of fire, and refusing all invitations to stay, informed them of his intention to camp at a short distance further on; which they asserted he probably did, as they found an old camp-fire the next day, not more than a third of a mile from the house. They exhibited no alarm or hesitation, their story agreed with the information obtained from the poor wife, and at the spot indicated, the yet smoking remains of an old log corroborated the story.

They went on; but from that time could not obtain the slightest trace, yet they continued the search, alarming the country, and ere another day had passed, nearly every man in the range, white, black, or copper-colored, was hunting the wood for the old man.

It chanced at this time, that a roving

personage, who lived or rather "stayed" in that section—slept where night overtook him—assisted the planters in gathering their cattle and breaking their horses—hunted, trapped, &c. &c., had gone to the town of Natchitoches upon the Red River, for the purpose of disposing of his peltries, laying in a supply of ammunition and tobacco, and last, not least, enjoying his semi-annual "frolic."

To his great surprise, one day, he saw an old and large roan mule, which he recognized in a moment as Birkham's favorite saddle-beast, ridden into the town by as noted a scoundrel as the country could afford. Our friend knew that something was wrong, yet not dreaming it could be anything more serious than a theft, determined that the man who could wrong Birkham should meet with his deserts. Fortunately—although such a man here, would be considered as untrustworthy in the extreme—the case was different there, and the hunter was deemed an honest man, and one whose word could always be depended upon.

He went directly to the merchant who transacted Birkham's business, stated the case to him, and requested him to purchase the mule if possible, for then he would be certain that it had been stolen; knowing as he did, the value the old man had always attached to him.

The merchant found his customer quite ready for a bargain, and purchased the animal for one third its value, but while the rogue was pocketing the money, our "hunting friend" came up and clapping him upon the shoulder informed him that he must return immediately to the "lines" with a small party who were about starting as his presence was particularly required.

The alarm and confusion of the man, were so great as to cause surprise to his captors, who had anticipated the usual carelessness of a desperado under such circumstances, and determining to discover the truth about the mule, taking the supposed thief a short distance from the town, they first tied his hands, and then adjusting a rope around his neck, throwing the other end over the projecting limb of a tree, informed him that he must tell the whole truth, or swing for it.

Had the rogue not been taken so by surprise, his course would probably have

been different ; but having come with " hot foot," directly from the scene of the murder ; without the least idea that it could yet have been discovered,—to find himself arrested almost upon the moment of his arrival, gave him such a shock that his customary impudence and coolness deserted him, and for once in his life he told the truth.

According to his story, when Birkham dismounted, the boy had taken off the saddle bags with the intention of bringing them into the house, but was prevented from so doing by the owner, who refused to stay, under the plea that it was necessary for him to resume his journey very early the next day, and that by " camping out " he would be sooner prepared for a start.

The weight of the log chains had been mistaken for the weight of money, and an act prompted by kindness upon his part proved fatal to the old man.

After remaining a few moments, he had taken a brand from the fire, mounted his mule, and ridden on ; but the moment that he left, the boy informed his father of the supposed contents of the saddle-bags.

Their plot was soon laid, and almost as soon executed. Creeping from the road to the camp, they found their victim asleep, and despatched him with a club ; then seizing the supposed booty, they returned to the house, but to undergo the disappointment of finding that they had committed a most foul murder, which their fears now told them would be certainly detected, and all for nothing.

At the house they found another of the gang, and with his assistance they returned to the camp, removed and concealed the body, then moved the fire to the spot upon which their victim had been lying.

The saddle-bags were burned, the chain concealed under a stack of fodder, and the mule was given to the unfortunate rascal who now stood trembling with a rope-adorned neck.

In such a case, there was no fear of any interference upon the part of the civil powers of Natchitoches in behalf of the criminal, and a sufficient guard having been, without difficulty, collected, he was soon travelling the same road again, and at very respectable speed.

How much time was occupied in the re-

turn, we know not, but the time of their arrival was after dark. Messengers were sent to arouse the settlers, and ere the sun had risen, sixty or seventy determined men had collected together.

The first step was to arrest the criminals, which was done easily. The chains were found in the spot designated, and the body of the poor old man was recovered. The four prisoners were then taken to the scene of the murder, and a jury having been selected, they were tried, and although the three last captured, proclaimed their innocence, the proof against them was deemed conclusive. The two men and the boy were ordered to prepare for death within half-an-hour.

We have before mentioned that among the settlers of that section, were many men of bad character, and in warning the present party, great care had been taken lest any of the former should be informed of the proceeding ; but by some means the news had reached them, and just as the judge had pronounced sentence, a party of some twenty of the most notorious rode up, headed by what is there known as a " jack-leg " lawyer, who acted as leader and speaker for the party.

Armed to the teeth, they thought by audacity, and their known desperation of character, to compensate for their paucity of numbers.

They were mistaken. At a word from the leader, the guards drew around the prisoners and every man grasped his rifle. Finding this would not do, the lawyer attempted a parley, demanding to know the reason why these persons were seized, why they had neglected to summon himself and his friends, how they dared proceed to trial themselves, in place of taking them before an " alcalde," and wound up with stating, that he should make a speech to the " crowd " come what might.

" Mr. —" replied his opponent, " these persons have been tried for being all more or less concerned in the murder of our old friend Birkham, they have had a fair trial, there is no doubt of their guilt, the only one not accessory before the fact, has confessed to crimes enough to hang a dozen ; they have half an hour to live, and for that time you may exercise your lungs if you choose, but before you commence permit me to make a few remarks.

"We have not *asked* you, for we did not *need* you. We *know* you, and we know if *we* did not ourselves punish these villains; by your means, in some manner, they would probably escape. You and your party may remain, although there are some among them who are far from welcome, but let them take this lesson home to themselves. We will no longer tolerate the commission of crime *in* our settlement or *near* it. Now speak, but stop at my command, and keep at a proper distance from us, for else some of you now may meet with a warmer reception than you would relish."

They were completely cowed; the lawyer, however, made his speech, which was listened to by very scowling countenances, and when the command was given he ceased. The three males were then placed each upon the back of a horse, with a noose round their necks; the other end of the rope being thrown over a limb above their heads.

Finding there was no hope left, the man and boy confessed. The two men were then hung, but the boy reprieved, and ordered with his mother, to quit the country, and not to return under penalty of death.

Thus were punished, and justly, two villains of the deepest dye, who would certainly have escaped justice had any attempt been made to have inflicted it by process of law.

We shall now relate an event which occurred in — county, Texas, whether an *use* or an *abuse* of Lynch Law, we leave for the reader to determine; but, in order that he may have some data to govern his judgment, it will be necessary for him to understand the situation of the county.

Although populous and wealthy, for a new county, it boasted of no jail, which, indeed if it had possessed one, would have been of but little service, as there was no town of sufficient population to be a safe location.

That they had no jail, was nothing strange, as, if our memory serve us rightly, but three or four of the interior and southern counties were so blessed; and but two of these, those at Beaumont, and Brazoria, of any real use. In the city of Houston, was to be found one, in which, if you would keep a prisoner, it was necessary to

weigh him down with irons, and then guard the house externally day and night. In Galveston, an old brig which had made an experimental trip in shore, upon her own account, during a very high tide, and resolutely refused to return, was pressed into the service, and would have answered remarkably well, had she not been so completely rotten that a man might kick a hole through her, and walk quietly off. A prisoner tried the experiment one night, and it succeeded to admiration.

Until a year or two previous to the annexation of the quondam Republic, petty offences had been almost unknown, except in the counties bordering upon the United States. There, especially near the line, were to be found necessarily, many whose crimes had driven them to a residence upon the confines of two Governments. This was particularly the case with the upper counties bordering upon, and near the Red River.

The first mentioned county had, however, been very free from absolute crime, until a short period preceding the time of which we write.

The gamblers, and those, in especial, of the most petty description, hung around the county town, despite the determination of Judges and District Attornies, assisted by very stringent laws, to suppress them.

In fact, perchance, one great stumbling block in the path of Justice, was this very over-severity.

By the laws then in existence, it was a crime, punishable with imprisonment, or very heavy fine, to play at cards for amusement, in any public house, or in any house or place within one hundred rods distance from the public road, and we believe the act is in existence at this moment.

Now, the bench and bar generally were much addicted to this manner of passing away an evening, and however careful they might be in the indulgence of this propensity, they frequently laid themselves liable.

Judge S—, whose proverbial pomposity had earned him the *soubriquet* of "Old Dignity," one morning called upon the clerk to read the indictments against a number of gamblers, and heard, to his perfect amazement, his own name included.

"What!" exclaimed the astonished official—"what! Read that again, sir."

Again the clerk read a long paper, setting forth, in the plurality of words that lawyers so delight in, how he, the said Judge, had offended against the majesty of the Republic, by playing at cards, &c., &c.

The Judge thought a moment, and then exclaimed: "How, sir! cannot the 'Court'* amuse himself in the 'Court's' own room, with the 'Court's' own wife?" In a rage he *adjourned* the Court.

The fact was, that the Judge had simply been playing a quiet game of "eucha" with Mrs. S—, suspecting no harm; and some mischievous individual, by peeping through the crevices of his log castle, had witnessed the transgression, and presented him before the Grand Jury.

It fared no better with his successor, Judge J—, who also made an attempt to punish those who set at nought the laws, and his authority, by gambling publicly.

The consequence of the attempt was, that the Judge had a quiet hint, that he, and nearly every member of the bar—including, we believe, the States Attorney—had been presented; and he was forced to follow the example of his predecessor—adjourn the Court, and tacitly admit himself conquered.

At length came one, who had never yielded to the fascinations of cards, or acknowledged the blandishments of the dice-box, who spent his evenings in his own room, attending to his own business, a stern, just, clear-headed, uncompromising man,—one that yielded nothing to custom, or prejudice, and would not swerve a hair from his line of duty, or detain the Court for half an hour, because—or—or—the great guns of the session had not yet slept off the fumes of their over-night draughts,—one that looked upon a gambler as he would upon a snake, punishing him to the full extent of the law; and yet the gamblers laughed.

His directions to the District Attorney, and to the Grand Jury, were particularly

clear, and very pointed upon this subject; yet the gamblers laughed on.

They were indicted, yet they laughed—tried and convicted—their cachinations ceased not—sentenced to a fine of one thousand dollars each, and imprisonment, until paid, with a separate imprisonment beside—and all without sobering them; but when the Judge very coolly ordered the Sheriff to make it his particular business to see that they were well guarded, until the close of the term, when he should send them with him to Houston, with an order to admit the party to the *freedom* of the jail there; then, with the exception of an old fox by the name of Williams, they presented a decidedly blue and discomfited appearance.

This Williams was an original,—a perfect oddity,—and although he was notoriously lazy, and a petty gambler, yet he possessed such a fund of wit, drollery, and good humor, that many who scorned him and his profession, would gather around him, as he sat in the porch of the "Grocery," spinning his quizzical yarns, or amusing himself at the expense of some verdant specimen of humanity.

He was not so to be frightened, but, as he left the Court, addressing the Sheriff familiarly as "Joe," requested him to inform the audience,—not forgetting the Judge and Jury,—that he should open a Faro bank in whatever place he might be temporarily "hung up," and that they were respectfully invited to attend.

As soon as the session was terminated, the Sheriff prepared to muster a sufficient guard to convey so desperate a set as his prisoners to Houston, but Williams offered to take charge of them himself, pledging his word for their and his own safe delivery, and although his proposition was not fully accepted, so much confidence was really placed in the scamp's word, that the Sheriff accompanied them alone.

They were in due form consigned over to the care of the Harris County jailer, their horses being deposited in a stable, subject to their order, and as the Sheriff was leaving, Williams very quietly inquired if he had any commands for home, as he should be there the next day.

It was upon a Saturday that they were imprisoned; and on Sunday morning, as the boarders at the Hotel in M— were

* This worthy was so impressed with the dignity of his office, that, in speaking of himself, whether in or out of the halls of justice, upon all possible occasions he would use the words "the Court."

at the breakfast table, to their amazement Williams and his troupe walked in, and took their seats, as if nothing had happened.

On being questioned, they answered that they did not think the people in Houston were glad to see them, and not wishing to be deemed intruders, they concluded to leave.

They had ridden sixty miles, and appeared in no hurry to ride any further, and when the Sheriff arrived that night, the first person who approached, and shook hands with him, was Williams. He knew that in delivering him over to the authorities of Harris County, the Sheriff's duty had been performed; that *they* would never trouble themselves to reclaim their prisoners, whom they had been extremely loath to receive, and that in all probability he should hear no more of it, except as a good joke, which was indeed the case.

This jail-delivery was, however, a mere bagatelle in comparison with some others, at least, as far as it concerned the well-being of the public. It is a strange and unaccountable peculiarity of southwestern men that, in case of any outrage, they will risk life and limb, expend time and money; in fact, stop at nothing to seize the person of the criminal; but when once taken, not one in twenty would give himself the least trouble about guarding the prisoner, and the chances are much in favor of his escaping.

Perhaps, the excitement of a human chase may account for the former, but what may be the reason of the culpable negligence evinced in the latter, we know not.

A man, by the name of Decker, had committed a cold-blooded murder upon his son-in-law, under circumstances of unparalleled atrocity.

The unfortunate man was shot down, while he held in his arms an infant,—his own child,—and the grandchild of the murderer.

This affair occurred in Brazoria County, which, however, was not the one in which Decker resided, and, we believe, no effort was made to punish the criminal—with the exception of a trumped-up examination before a Justice of the Peace, got up, in all probability, to prevent further proceedings.

Decker returned to M— County, and

with him came the wife and child of the murdered man.

The people of the County, exasperated at the crime, were rendered almost furious at the audacity of the fellow in returning to settle himself quietly down among them, bringing with him the *spolia opima*, for which the murder had been committed; for Lacey (the victim) was possessed of a handsome property, consisting of money, cattle, and, perhaps, a negro or so—all of which Decker had appropriated.

The citizens, irritated as they were, determined to proceed legally, if possible, and accordingly, obtained affidavits, upon which to found the warrant for his apprehension.

The issuing of the warrant was an easy matter—the serving of it, another affair. For two years they attempted, sometimes with large parties, and sometimes with small, to arrest him, but all in vain.

Although travellers seldom passed, or stopped at his house, which was a species of backwood's hotel, without seeing him, yet however secretly an expedition might be planned, it always failed, and it became a matter of certainty that there were spies in the camp.

For a time the proceedings were dropped, and emboldened from having so often foiled them, Decker at length began to neglect his quarantine, and to ride about the country—laughing at the repeated failures of the officers, boasting of his exploits, and threatening the lives of all those whom he considered as his enemies. Finally, as if incited by the devil, who is said to be ever prompting his clients to their own destruction, he had the audacity not only to ride through the town of M— on a Saturday afternoon, when he must have known that three-fourths of the settlers within ten miles distance would be there, but actually dared to stop at the "Grocery," call for a glass, and invite all present to join him.

His daring impudence so astonished the people, that he was allowed to ride out of town at the same deliberate pace that he had entered it. He was mounted upon an extremely fine mare, and accompanied by a villainous looking personage on foot, whose cerebral developments would have hung him without any further testimony, had he been tried by a jury of phrenologists.

Although they had passed through the village without interruption, they were not to escape so easily. The papers necessary for their legal capture were already made out, and in a few minutes the Deputy-Sheriff with one assistant, mounted in pursuit.

They came upon them at the edge of a wood, a mile from town, and an accident prevented escape or resistance. As they dashed up near to them, the volunteer became so much excited or alarmed, that in endeavoring to cock his gun—a double-barrel—he pulled both triggers,—a tremendous explosion was the result, and he very nearly bagged the sheriff-depute.

As the two travellers were plodding their way over deep sand, they had not heard the hoofs of their pursuers' horses, and the shot was the first intimation they had of their propinquity. Decker had dismounted, and his friend was riding and carrying a gun, which the horse—now become restive—prevented him from using, and the Sheriff's rifle, pointed at the culprit's head, caused an immediate halt and surrender.

Every step had been strictly legal, the prisoner was taken before a magistrate, who ordered him to be confined, heavily ironed, and a guard set over him, until the High Sheriff should return from Austin, when he was to be submitted to his charge and conveyed to Brazoria.

As for the travelling companion, who announced his intention of "sticking by the Captain," one of the assembled crowd took him aside and advised his immediate departure, on the ground, that his physiognomy did not give general satisfaction, and that the account he gave of himself was not believed to be gospel.

The gentleman was probably innocent of any acquaintance with Shakspeare, but his actions proved that he acquiesced with Falstaff in his opinion of the relative merits of discretion and valor.

Now, any reasonable person would have supposed the prisoner to have been sure of safe keeping; and, for a few days, he was. A physician gave up his office—a small building constructed of neatly hewn logs and strong as a fort, to be used as a jail—a part of the chain cable of some snagged steamer, was made fast to him, independent of his handcuffs, and guards were plenty enough for a few nights. But,

alas, the sheriff was absent too long, and one night the Deputy found himself without a relief at supper time; so, stepping out to seek one, at a few paces from the temporary jail he met his superior who had that instant returned. While chatting a moment he heard a noise that alarmed him, and caused him to retrace his steps immediately. It was too late, the bird had flown—chains and all—through a window which which was forced open.

At this very moment, a tremendous thunder-storm came up, the rain poured down in torrents, and the Egyptian darkness which shrouded the night, was seemingly rendered tenfold more dense by the frequent and vivid flashes of lightning.

But despite the terrific violence of the storm, which seemed as though it were an earnest of the wrath of Heaven upon them for their culpable negligence in allowing so great a crime to go unpunished, the whole village was alarmed, and a large party sallied forth in pursuit.

Between midnight and morning, they all returned, dropping in, one after the other, dispirited, drenched, and covered with mud but determined upon renewing the chase as soon as the sun should lend his aid.

Decker was followed the next day by men on horseback and on foot, and although trailed, step by step for miles, yet the first accurate intelligence received from him was the advent of his son, who brought back the chain cable with his father's compliments, and thanks for their hospitality.

A year after, the same villain ran a very narrow chance in Houston, where he had the impudence to appear in the public streets *en plein jour*.

No sooner did the sheriff know of his presence, than he obtained a warrant for his arrest, but Decker was warned, mounted his horse, and started for home, riding for his life. The roads were very heavy, and again a violent storm arose. All this however, did not deter the officer—who saw him leave; a race and running fight ensued between the two, in which some shots were fired, yet, although, the parties were for a time neck and neck, Decker finally escaped by dashing into a thicket.

This man a short time afterwards, sold out his farm to two Germans, received a handsome sum of money, and in a few

months both of them died so mysteriously and suddenly, that there was but little question of foul play upon his part, as he was at the time a joint occupant of the house.

He is, for aught we know, yet, "unwhipt of justice" unless he has met with that violent death which is the almost certain fate of such desperadoes.

Soon after these events occurred, a very heavy robbery was committed, the robber arrested and confined for some months in a vacant house in the village.

In this instance, the person who had been robbed furnished the necessary funds to hire a guard, and it was thought the culprit would taste the thong of justice; but no: as soon as it was found that the proof was positive, that he had really obtained some ten or twelve thousand dollars, and could pay well for assistance, he was spirited away and heard of no more.

Two great crimes had also been committed in the county. A gun—probably a double-barrel—was discharged through the window of a gentleman of the name of Floyd, while the family were eating supper. The father was instantly killed and the others more or less wounded. All attempts to discover the perpetrator were useless.

The murder of a Captain Taylor was a more recent event. While sitting in an unfinished house, at night, playing a game of chess with his wife, in the act of moving a piece, he fell dead, pierced through the heart with a rifle ball; and as there was a violent storm raging, his wife did not distinguish the crack of the gun from a simultaneous electric explosion.

The chimney of the house had not yet been finished, and the villain fired through the vacancy. For a long time, this, like the former, was a deed of mystery, but at length a quarrel between two ruffians in Houston,—which resulted in the death of the one, and capture of the other—revealed among deeds of equal atrocity, that Taylor had been killed by a bravo, for a sum of money.

The veil that was thus partly raised, disclosed partially other equally fearful secrets, and it became a matter of certainty that a clan of villains was in existence probably a part of the Murrel gang, who were engaged in every species of crime—from horse-stealing and counterfeiting to kidnapping and murder.

That the number of these desperadoes in M—— county was increasing, admitted of no doubt, and that such was the fact need be a matter of surprise to none, since they found they were in very little danger of apprehension, or if apprehended, that they incurred but small risk of punishment.

Is it a wonder then, when murder, violence and crime were stalking boldly among them in open day, unchecked by law, when the county was constantly receiving fresh accessions of lawless persons from other counties and States, when everything tended toward anarchy, and that, right speedily, that the honest and well-meaning citizens, should at the next provocation take into their hands, the sword of justice, which the paralyzed arm of law was impotent to wield?

A man whom we shall call G—— we suppress the name from the belief that some of his relatives are respectable persons—was tried for cattle stealing in Harris County.

Whipping is the ignominious punishment that attends conviction of this crime, and in hope to evade it, G—— engaged a lawyer to defend him; giving him his saddle-horse, as fee.

The case was evidently going against the accused, and the lawyer whispered to him to get out of the room, upon any excuse, and when once fairly in the street, to run for life.

The advice was taken, and G—— accompanied by an officer left the room, but seeing the horse which he had given the lawyer, saddled and bridled, standing before the door, he leaped upon his back, and was soon beyond danger of pursuit.

For a year or two after this exploit, he was not heard from, but at length became bold enough to visit M—— and remain for some time.

Unfortunately for him he inspired many of the residents with dislike, and when they discovered who he truly was, some of them—out of pure mischief—rather than a desire to further the ends of justice—had him arrested and taken to Houston, where the ignominious lash was applied to his back.

He then again returned to M—— burning with resentment, and swearing vengeance against all who had been concerned in his arrest, but soon found the town too hot to hold him, and was accordingly, upon

the eve of retreating further north, when his horse was attacked by the sheriff, for debt.

At the time the warrant was served, G—— was mounted upon the animal,—a fine and valuable beast—and refused to surrender him. An altercation ensued; whether he then drew a weapon or not we do not know; but it was proved that the sheriff seized a rail and forced him off the horse.

The moment G—— touched the ground he drew a pistol and shot the officer down. He was seized immediately, and taken to the court-house to await an examination of the sheriff's wound.

The physicians pronounced it to be certainly mortal; although they said the unfortunate man might linger in agony for days or weeks.

As soon as this was announced to the crowd, measures were taken for assembling all of the settlers living near; a judge and jury were chosen, and the man after a trial—which must be accounted fair, if any trial under such circumstances can be fair—was found guilty—of what we know not, for *murder* it was not yet, and condemned to die upon the gallows, as soon as his victim died.

For over a month did the sheriff linger, writhing in torture, but we much question if the mental agony of the condemned culprit was not infinitely the more difficult of the two to bear.

He knew that the sentence was predicated upon the supposed impending death of his victim, and as *he* lived on from day to day, the hope of an ultimate recovery must at times have forced itself upon him, only to make his calmer thoughts the more bitter.

The hour arrived at last, the officer died during the night, and as it was necessary to bury him as soon as possible, that duty was performed upon the next afternoon.

As it may well be supposed, there was a very large gathering at the funeral, and the whole number present, proceeded directly from the grave to the house where the prisoner was confined, and taking him a short distance, executed him.

This, perhaps, under other circumstances than those that preceded it, might have excited as much indignation as did the execution of the "Vicksburg gamblers"—of which we shall hereafter speak. It may be said that the crime was but manslaughter;

yet let no one judge the actors harshly, who does not know from experience, the danger of living in a county situated as this was, and cannot realize the imperative necessity that existed of checking the tide of crime and vice, setting in so strong among them, by the prompt and immediate punishment of any and every wilful transgressor.

The case which we are about to record, has probably never been equalled in the singularity of its attendant circumstances. The merited punishment—the atrocity of the crime and noted villainous character of the criminal—the attempt to force a trial to serve him as a cloak, which but renewed the fable of Hercules and his fated lion-skin, the fact that he received his reward from the hands of an officer of justice, and as it might almost be said in open court—all combined, to invest it with a singular and romantic interest.

"Lem M'Guire" was known throughout Texas as a thorough-paced villain and blackleg. Accustomed from infancy to the most infamous companions, as he increased in years so did he grow old in crime and at the age of twenty was deemed by his companions, worthy of the front rank in their columns.

One of the first acts that made his name well-known, was his participation—while yet a mere child—in an affray in which a friend and protector of his, was shot,—and most deservedly—by a tavern-keeper, upon whom he had made a murderous attack.

M'Guire fought like a young tiger—as he was—clinging to the landlord with his hands and teeth, and though crying with rage and grief at the death of his patron, seemed perfectly regardless of the danger to himself.

We have no intention of writing the history of his career, but shall merely note an incident or two to give our readers an idea of the man.

He had been brought up by a man of his own kind, named Johnson, who furnished him with a home—such as it was,—until by his practices the latter had become possessed of sufficient property to awaken M'Guire's cupidity, and a determination to become possessed of it by foul means, as he could not by fair ones.

He accordingly laid his plans, and caused Johnson to become involved in a quarrel, in which his life was taken, at the instiga-

tion of the serpent he had nourished, who, immediately after married the widow—a woman of twice his age—and thus accomplished his designs.

A few months before his death, he paid a very characteristic visit to Houston, where he succeeded as usual in bringing himself into speedy notice. Entering one of the bar-rooms of the place in a state of semi-intoxication, and taking offence at a simple German who presided over the bottles, whose imperfect knowledge of the language prevented him from understanding correctly what was required, M'Guire struck him in the face with a heavy cut-glass decanter, breaking it in the act, and severely injuring the man.

Among the crowd which collected, M'Guire espied a Judge of one of the Courts, and turning upon him immediately knocked him down; then crossing the street where stood the Mayor "spectator of the fight"—as he supposed at a safe distance—the tiger prostrated *him* also at a blow.

He then retreated, walking up the main street of the town in triumph, and no more was seen of him—although warrants were issued for his apprehension—until the second day; when he rode down the street, stopped his horse at the scene of his late disturbance, and calling out the proprietor, told him he had travelled some distance out of his way to bid him good bye; and then rode out of town.

At this time he resided, we think, not far from the town of Crocket, and soon after his return from his Houston exploit, he determined, for reasons of his own, whether from enmity, to remove a troublesome witness, or a partner in crime, we know not; to have one of his neighbors "put out of the way."

Not being willing to take the trouble himself, he hired another, a journeyman at the trade of blood, to do the business for him. For some reasons, the bravo deferred the murder, until at length M'Guire imagined that he had turned traitor, and betrayed his designs to his enemy; which belief was strengthened by the ultimate refusal of the man to have anything to do with it.

So far, M'Guire had only gained the necessity of removing two persons in place of one; and, perhaps agreeing with Dr.

Franklin's adage, "if you wish a thing done, go; if you do not, send;" determined *this* time to do his own work.

To murder his accomplice, he had a double motive, fear and revenge. Having secured the aid of one or more persons upon whom he could depend, he rode over to the house of the supposed traitor, and calling him out into the yard, in front of the house, in full sight of his wife and family, shot him down like a dog; then the party turned their horses toward the house of the one whom he had marked before for his victim, and killed him in precisely the same manner.

All this happened in broad day light, nor did his audacity cease here, but knowing that a magistrate lived near by, the party again mounted and rode to his plantation.

M'Guire was probably deceived in the man, whom he must either have supposed to have been a reckless being like himself, or one who might be influenced by fear or money, to subserve his ends.

The magistrate was very coolly informed that they came to be tried, that he must go through some form, no matter what, and give them a certificate of acquittal, which although the magistrates' court was only a preliminary one, they imagined, combined with the known and certain danger of meddling with them, would be sufficient to prevent any further inquiry.

As the reader may well imagine, the magistrate, who was almost alone in the house, was extremely alarmed, but had presence of mind to conceal his feelings, and put the villain off, upon the plea that it was necessary to have some other persons present, and also, to prepare certain papers, which could not be done at a moment's notice. It was Saturday, and he promised them, that if they returned on Monday morning, he would have everything fixed for them,—which he certainly did.

On Monday, McGuire appeared, with a reinforcement, making in all five or six, and found the magistrate sitting at the farther end of the hall. For the information of those who are not skilled in the houses of a new county, we would say, that a double-log cabin—such an one as the magistrate's—consists usually of two large rooms, separated by a wide hall, which, in

pleasant weather, serves the family for a dining and sitting-room, but being generally open at both ends, is not used in inclement days.

From all appearances, they found that the trial was to be an affair of more detail than they admired, and McGuire, considering himself now to be in a condition to dictate his own terms, insolently demanded, if the Justice intended to do as he was ordered—adding, that if he did not, and that immediately, he would cut him to pieces with his knife. The Justice replied, that he intended to proceed according to law, and in no other way; but hardly had he spoken, when McGuire, knife in hand, followed by his friends, rushed upon him.

At this critical moment, the side-doors were dashed open, and on either side a volley from six rifles was poured upon them. McGuire, and, we believe, two others, fell dead, the rest, more or less injured, were seized, and bound with cords.

It was like a "*coupe de theatre*," except that it exceeded one, as reality ever does fiction. We are sure that no melo-dramatist ever invented or got up a more perfect or successful affair; and who may say that it was not pure, even-handed justice.

We should like to have seen a non-resistant in the magistrate's situation, and to know whether he would have turned the gang loose upon the world, and have sacrificed his own life, rather than—by an exhibition of similar coolness and conduct—have done a deed that would entitle him to the thanks of his country.

But we are in error; a non-resistant can fill no magistrate's chair, for, he acknowledges and believes in no law, except, perhaps, for his own benefit. Speaking of non-resistants, reminds us of a sad exposé of one of the earlier apostles of that exceedingly astute sect, which,—believing that our readers may, perhaps, be equally willing with us to escape, *pro tem*, the perusal of a history of guilt and crime, and to exchange it for a more amusing subject,—we will relate.

It was years since,—ere the delicate hue of the peony upon our cheek had been changed by a Southern sun, to the more sombre tint of a half dried lemon,—that

we were induced and seduced, by a series of false pretences, to attend a lecture somewhere in that land of wooden hams, wooden nutmegs, and wooden-headed pedagogues, known, emphatically, as Down East. A non-resistant lecturer,—one that was deemed a burning and a shining light among that generation of saints, was to hold forth in exposition of his *then* new-fangled doctrines.

A numerous audience had assembled, and after reading to them a chapter from the Bible, the anti-pugnacious gentleman proceeded with as superlative a mass of nonsense as it ever fell to the lot of our ears to endure. First, he attacked the profession of arms, and consigned to his Satanic majesty, at one fell swoop, all who meddled or made with sword or gun, from the victorious general, dealing death and devastation upon the enemy,

"Proud Cumberland prancing, insulting the slain," to the veriest fourth corporal of the ragged militia.

Having demolished the men of war, *secundum artem*, he went to work upon the men of peace, and at one stroke of his veracious tongue, packed off to Tophet the entire generation of law-givers, and law-ex-pounders, Legislators, and common council-men, judges and juries, lawyers and clients, office-sweepers and jailers—all to *there* keep company with the Armigers.

"Our Maker alone," said this authoritative personage, "has a right to control men; the Justice, who usurps His right, commits practical blasphemy; the higher the grade, the more audacious the criminal, therefore, a king or a president is the most wicked wretch on earth."

He then denounced all that submitted to the laws, or acknowledged any earthly power or authority, and even asserted that it was a crime for a man to resist another, when his life was at stake, although by so doing he might preserve it, and prevent the commission of murder.*

*NON RESISTANTS.—In New England, they have a Non Resistant Society, which held its anniversary in Boston a few days ago. One member, during the past year, has backslidden so far as to knock down a man, and he was expelled.

Mr. Garrison defined the principle of non-resistance by instancing a case like the following:—If a man is assaulted by a highwayman or a mur-

"Should a man steal from you," continued he, "go to him, and remonstrate with him; should a man purloin my watch, I would endeavor to obtain restitution by an appeal to his conscience. If I failed, I would go unto him again and again; and should he yet prove entirely hardened and depraved, no efforts of mine should ever seek redress by law."

"Yes," added he, warming with his subject. "Yes, cold as the night is, should a man lay his hand upon my coat, no resistance would he meet from me; he might have *that*, and my cloak also, before I would sin by raising my hand against my fellow, or appearing in that tabernacle of the evil one—a Court."

Now, at this time sat in the centre of the building a certain noisy, turbulent, empty-headed, pettifogging lawyer, who, since that time, has made some noise in the world as a loco foco demagogue—empty vessels being the very ones of all the world to make a noise, when tossing to and fro in the turbulent sea of politics. Squire Dan, as he was called, not admiring the animadversions cast, with no sparing hand, upon a profession, of which he was—if not a limb—at least a twig, although a very small one, arose and addressed the orator of the evening, to the latter's astonishment, and that of the audience.

"Sir," said Dan, "did I understand you to say that you would neither offer resistance to, nor prosecute, a person taking your coat?"

derer, he must not resist, even for the purpose of saving his life, or the lives of his wife and children, unless such resistance can be effected without endangering the life or limbs of his opponent; he must not strike a single blow, in self-defence, that may, by any possibility, break an arm, or a finger even, of his assailant.

Another speaker coincided with Mr. Garrison, and remarked that, should his house be entered by robbers that night, he should offer no resistance unless they could be expelled without receiving the slightest bodily injury! But he should endeavor, on the morrow, to ferret out the burglars, (not, however, through the aid of the laws,) and have a friendly talk with them, and try, with words of kindness, to win them back to the forsaken paths of honesty and virtue. If any articles of which he had been robbed should be found in their possession, he should refuse to take them back, and beg of the misguided men to retain them, unless indeed they pertinaciously urged and entreated him to receive them.

"I said so, sir," replied the amazed non-resistant.

"But," continued Dan, "I wish to know if you really avow that determination upon your own part, or merely mean it as a part of your lecture, and an exemplification of the principles which you profess?"

"I say *distinctly*, sir, that my conduct would be as I have stated," was the reply.

"Well then," said his tormentor, rising, and blowing out his fat cheeks, 'very like a whale.' "I am a lawyer, and like to put everything to the proof, and now, I call the audience to witness your words. I know a poor man, sir, and an honest one, that needs a coat more than you do, and if you do not retract, I shall take it from you, and give it to him."

Dan started for the rostrum, and even was about ascending, when the alarmed and astounded expor of non-resistantism cried "peccavi!"

"Stop, sir," said he, "I was preaching what we *should*, not what we *do* perform."

Our lecturer's course was cut short by an untoward event. A severe defeat at the game of draughts was formerly, and, probably, is now, termed "a skunk." The man was "skunked."

Great events hinge upon small causes. A refractory pig is said to have occasioned the late war between the United States and England, and the capture of one of the hereabove hinted-at, odoriferous purloiners of poultry,—known "down East" as "Wethersfield dogs,"—by a party of urchins, resulted in the non-resistant's defeat.

In the midst of an impassioned harangue, the animal was thrown into the centre of the building. It was cold weather, the doors were closed and a brisk fire burned in the stoves. An immediate retreat was the necessary consequence.

These "non-resistant" gentry may do very well in some quiet hum-drum eastern village, where the appearance of the parson's wife in a new silk dress, is enough to produce an extraordinary excitement; where a rise in hoe-handles, axe-helves, or rake-stales is a signal for an *emeute*; such as it is; where the principal amusement of the ladies is found in those female "Schools for Scandal," yeleft sewing circles, and famous for the instruction of juvenile femin-

ine "Ideas" in the art of "shooting" at the reputation of every female in the village, "present company excepted," and of giving an especial stab at the character of those whose position in society is superior to their own: where the anti-slavery almanac, the most "ideal" work of the age, and fully equal in imaginative description to Gulliver's Travels, Baron Munchausen, and Peter Wilkins combined, is purchased, and every one of its impudent and barefaced lies swallowed as pure gospel. They may do *there*, but in the GREAT WEST, men and women of very different calibre are required. Accustomed from infancy to the excitement of the real dangers ever attending the settlement of new territory, they can neither understand nor forgive the pertinacity with which some of their eastern brethren insist upon letting their own business alone, and minding that of their neighbors and the community in general.

Cross the mountains, descend the "Belle Rivière," and the "Father of Waters," and you will find everything upon a gigantic scale. Earth, air, and water all combine to produce this effect. Land more rich than Canaan's soil, yields overweening crops of cotton and of corn. The storms are hurricanes, the rivers vast inland seas; and, is it not surprising, where everything is expanded, that man should partake of the general feature?

It is so, indeed, and while in size, they rival the sons of Anak, their virtues, their courage, their hospitality, and their crimes are all in the same proportion.

The entire world cannot produce such a collection of unmitigated scoundrels as are to be found there, some spending their time upon the rivers, some passing for planters and tavern-keepers, scattered through the South and West at convenient distances, making a chain of posts for the accommodation of their brethren, and others prowling about under various guises, as horse-dealers, negro drovers and peddlers, but carrying on the more profitable trades of negro stealing, robbery and murder. Commencing in most cases with gambling, the western scamp seldom pauses in his career, until he has reached the topmost round in the ladder of crime.

No boat ever travels over the Mississip-

pi, Ohio, or their tributaries, without the accustomed freightage of "Chevaliers d'Industrie," as much superior in audacity and villainy to their congeners of the old world, as is an incarnate demon of hell to a common every-day rascal.

Boats are owned by associations of these scoundrels, run to facilitate gambling and robbing operations, and we would here warn all tyros in Western travel to enquire well into the character of both boat and captain before embarking, and when on board, to be seduced into no game of chance—even for amusement—with a stranger.

Some few years since, we think in 1842, a man was hung in Cincinnati, who, although but twenty-four years of age, confessed to twenty-two murders.

According to his own story, he had been for three years of his career a nominal bar-keeper upon a Western boat, in order that he might have a better chance to commit and conceal crime.

Travelling as a solitary gambler, while a mere boy, he had marked one of the passengers for his prey, under the idea that he carried with him a large amount of money. He engaged a part of the same state-room, and not succeeding in his efforts to inveigle the man into a game of cards, determined to murder him in the night and leave the boat with his booty.

He succeeded in the commission of the crime, but as he was searching for the supposed money, the door opening upon the guard was unlocked, and the captain of the boat entered.

Both were astonished, but the murderer was paralyzed, until the captain, the older adept in guilt, informed him that he had only forestalled his intentions, and proposed a division of the spoil.

For three years he remained upon the boat, engaged in gambling, and, when a fair opportunity presented itself, murder.

When all or a great portion of this tribe of villains were united by that arch-fiend Murrell, they presented a phalanx of crime that seemed almost impregnable to the law, and could only have been checked, for entirely uprooted they were not, by the ultra means adopted in Mississippi.

It is our intention to lay before the reader a full account of this man, and of the

various ramifications of his clan, many of which exist to the present day, of his real designs, and his singular mode adopted to gain adherents; but we must here pause, having scarce passed the threshold of our subject. P. P.

MEMOIR OF RICHARD YEADON, ESQ.,

TULLY, in describing a good and happy man, places him under a well regulated government, in the ripeness of honor, and the full enjoyment of reputation; capable of performing public trusts with safety, and of retreating into the shades of private life with dignity. To these requisites we would add the reflections of having earned character without envy, and of having deserved success by the strict observance of justice in all the relations of life; reflections which, in an eminent degree, belong to him whose biography we are about to write.

Richard Yeadon, whose life presents a noble example of independence in political principle, industry in professional character, integrity in business, of beautiful consistency in the family and friendly relations, was born in the city of Charleston, on the 22d of October, 1802. His paternal grandfather was Richard Yeadon, a native of England, and a watch-maker by trade, who came to this country before the bursting forth of that revolutionary flame, which spread over the continent, and eventually consumed the institutions of monarchy. Richard, the grandfather, intermarried with Mary Lining, a Carolinian of Scottish descent. In the struggle which ensued between the Whigs of this country and Great Britain, he sided with the former, without considering for a moment any question but the duty he owed to the liberty of the country of his adoption. On the occasion of the capitulation of Charleston, he suffered imprisonment in a prison ship and in the provost; and was, finally, with his family, banished to Philadelphia. On the conclusion of the war he returned to Charleston, where he died in 1784, over thirty years of age. He left a widow and four children, with little for their support. His children were, two sons, Richard and William, and two daughters.

Richard, the eldest son, the father of the subject of this memoir, began to provide for himself at the early age of twelve years. He intermarried with the widow Mary Adams, to whom, as Mary You, he had been attached in early life. His consistent devotion to this object of his early affection, was rewarded in the possession of a moderate fortune, and a wife of intelligence and virtue. Young in life he became an officer in the branch, or office of discount and deposit of the old, or first, United States' Bank, at Charleston, and was one of the tellers of that institution when put in liquidation to aid in the settlement of its affairs. He was retained as an officer after that event. In 1812 he was elected by the Legislature a director of the Bank of the State of South Carolina, and in 1815 or 1816 was chosen deputy cashier, the title of which officer was subsequently changed to that of assistant and transfer clerk. This position he held at the time of his death, which occurred on the 9th of November, 1841, when he had approached his sixty-ninth year. He left a widow and three children: two daughters, and a son whose life we are engaged in considering. Mr. Richard Yeadon, the father, had established long before his death, an irreproachable character for integrity and honor. He was known as a good citizen, a faithful officer, and an affectionate parent. He was remarkably kind to his children, giving them all excellent educations, and providing for them liberally. His house was the abode of hospitality, and he was universally acknowledged to be one of the most able and upright bank officers ever known in Charleston.

Mr. Yeadon's maternal grandfather was Thomas You, a native of Carolina, of French Huguenot descent. He was a silversmith by trade, and the apprentice of

the father of the late Judge Grimké, who generously aided him in business. At about the age of thirty-two he intermarried with Elizabeth Clifford, a lady of sixteen years of age, and a co-heiress, with the late Mrs. Mary Turpin, of Mr. John Clifford, a gentleman of English descent, and a considerable landowner in Charleston. Mr. You took active part with his countrymen in the revolution; and, on the occasion of the surrender of Charleston, was doomed, first to the occupancy of the provost and then of a prison ship. He was about to suffer exile with his family, when a severe attack of gout obliged him to receive British protection. He seized, however, an early opportunity of breaking his parole, at the risk of his neck, and took up arms again with his countrymen. He died in 1785, or early in 1786, leaving a widow and five children, among whom was Mary the mother of Mr. Yeadon. The maternal grandmother, Mrs. Elizabeth You, though left a young, beautiful, and wealthy widow, never again married, but devoted herself faithfully and unweariedly to the care and nurture of her children, a much more noble reason for resisting suitors than the unravelling of the web, which distinguished the ancient wife, so often engaging the praises of poetry. Mrs. You was a lady of vigorous mind, and eminent in virtue and piety. She lived to the extreme age of 86 or 87.

The mother of Mr. Yeadon grew up a very lovely girl. In early life she was attached to Richard Yeadon, the father, but destiny separated them, and she married Mr. John Adams, a planter of Edisto Island. Shortly after marriage Mr. Adams was drowned, in a stormy winter's night, by the upsetting of a row boat, in which he was returning to his plantation from the city. Mrs. Adams was thus left quite a youthful widow, with an infant son, who not long afterwards followed his father to the grave. On the conclusion of a decorous widowhood, this lady again met Mr. Yeadon, and, their long smothered affection reviving, she became his wife. The fate of her first husband induced her to persuade her second to dispose of the Edisto lands and slaves, which was done at the moment when the culture of cotton began to supersede that of indigo. Mrs. Mary Yeadon, like her mother, was pious and amiable. With a fidelity and self-de-

nial not often equalled, she dedicated her time to the advancement of the interests and happiness of her husband and children. But, though confining herself to this sphere, the graces of her character still expanded, and a large social circle daily attested her meekness, her affectionate and forgiving disposition, her usefulness and benevolence. She died on the 22d of November, 1842.

We have been the more particular in these ancestral notices for the reason that it is delightful, in contemplating the life of a friend, to look back and trace through the lives of those from whom he has sprung, the outlines of the features of character which distinguish him, and render the record of his life lovely. To observe, that his integrity, his charity, his virtues, are not the result of accidental training, or the consequence of a mere yielding of the heart to custom rather than principle, but part of the original property of the race—hereditary virtues springing directly from the soul, and descending in right lines, and in undiminished purity, to the latest branch. The parents of Richard Yeadon removing to a residence on Harleston's Green, he entered a school conducted by Mrs. Baker and Mrs. Rogers. Between the ages of six and seven he was transferred to the tuition of Mr. McDow, with whom he began Latin, and with whom he continued till the age of thirteen. For about a year afterwards he studied under Mr. Thomas McCay, whose health failing, he was put under that excellent instructor, the late Mr. Martin L. Hurlbut, who prepared him for college. In October, 1818, and before quite sixteen, he entered the South Carolina College, joining, or rather studying, with the Sophomore class until the examination in December, when he was admitted a member of the Junior class of 1819. The faculty then consisted of the Rev. Dr. Maxey, D. D., President, and Professor of Rhetoric and Belles Lettres; Thomas Park, M. D., Professor of Languages; Edward Smith, M. D., Professor of Chemistry; Rev. Christian Hanchell, Professor of Mathematics; Rev. Robert Henry, D. D., Professor of Moral and Political Philosophy. Dr. Smith having died, in the vacation of Mr. Yeadon's Junior year, in Missouri, the celebrated Thomas Cooper, M. D., succeeded him. Mr. Yeadon's class was the first in the col-

lege instructed by this eminent man. Dr. Maxey died just before the vacation of Mr. Yeadon's Senior year, having been long in such ill health as to be enabled to give but little attention to the class. At the spring exhibition of the Junior class, Mr. Yeadon was assigned a prominent part, and delivered an oration on "Sympathy." At the senior exhibition in March he was again distinguished, and spoke on "The Influence of Morals on Government." When graduated, in December, 1820, he received the second honor, and delivered the salutatory addresses in Latin, and an English oration on the "Influence of Government in forming the Character." The first honor of his class was awarded to James Terry, Esq., once commissioner in equity for Edgfield, who was some six or eight years Mr. Yeadon's senior. The third honors were awarded to Dixon H. Lewis, late United States' Senator from Alabama; the Rev. Paul Trapier Keith, Rector of St. Michael's, Charleston; Patrick C. Caldwell, formerly member of Congress from the Newberry District; Solomon Cohen, Esq., a distinguished lawyer, formerly of Georgetown, now of Savannah, and Robert Brevard, Esq., a citizen of North Carolina.

Leaving college, Mr. Yeadon, in January, 1821, began the study of the law with Messrs. Bennett and Hunt, where he enjoyed the advantage of a large law library, and a familiarity with the details of a considerable practice. In December, 1823, or January, 1824, he was admitted to the bar of the law courts, and in a year or two afterwards, to that of the chancery. While engaged in the study of his profession, Mr. Yeadon went through a long course of reading, both philosophical and legal; and, entirely under his own direction, impressed on his mind that large stock of the principles of knowledge, from which, in after life, he continues to draw with such facility and effect. To train his speaking powers, he, about that time, joined a moot court, or debating society, known as the Forensic Club, which embraced among its members many of the most distinguished men of the State—Henry Bailey, C. G. Memminger, Stephen, now Bishop Elliott, Alexander Mazyek, William P. Finley, Edward McCready, and others. In this club Mr. Yeadon ac-

quired the power of extemporaneous speaking, a faculty which he certainly possesses naturally, but of which, doubtless, the diffidence of youth, and his high appreciation of its importance, retarded the more early development of. The extraordinary disposition of Mr. Yeadon for labor was here prominently displayed in the zeal with which he engaged in the various discussions before the society: with persevering industry composing and memorising whole speeches, sentence by sentence, without committing any part to paper; and interweaving, occasionally, extemporaneous replies with prepared matter, until the habit of speaking with great fluency and correctness was acquired. A practice, which cannot be too highly commended, or too earnestly inculcated, as, whatever the ability of the orator, it tends to give strength to his ideas, and moulds language to the justest proportions of harmonious and elegant diction.

In March, 1826, Mr. Yeadon formed a co-partnership in the practice of law and equity, with Charles Macbeth, Esq., a gentleman, whose mild and engaging disposition, whose firmness of character, and whose able and faithful attention to business, have insured him the respect and admiration of friends, and the justly merited rewards of professional success and political distinction. The connexion of friend and business associate, between this gentleman and Mr. Yeadon, continues through all the vicissitudes of opposing political sentiments.

In 1826, while suffering from an attack of rheumatism, which, from his 19th year, had crippled him, he visited the hot springs of Virginia. He there met with Henry Clay; but was then as was most South Carolinians, an ardent lover of Andrew Jackson, and felt no great deference for the great commoner of Kentucky. He lived long enough, however, to estimate his great services to the country; and became one of the most able and eloquent of his defenders.

In 1827 Mr. Yeadon's practice being small, he was appointed by the Legislature one of the special magistrates of Charleston, under a new and excellent system suggested by, and established through, the aid of his own pen. Afterwards, when the same system was still further improved, he was selected, with Henry Trescot, Esq.,

as judicial magistrate. In this position, Mr. Yeadon underwent a still more advantageous legal training, and prepared himself for those duties in his profession, which now began to flow from his increasing business.

In December, 1829, Mr. Yeadon married Miss Mary Videau Marion, of St. John's, Berkley, a daughter of the late Francis Marion, Esq., the grand-nephew and adopted son of General Francis Marion, that most prominent of all partizan heroes in the glorious picture of revolutionary struggles in South Carolina. This lady, with her hand, brought a heart full of purity and gentleness to her husband. A disposition of mildness and courtesy, and an intelligent mind, enable her to administer the affairs of her household with an ease and judgment, which render it the habitation of peace and comfort. No living issue is the fruit of this marriage.

In the early part of the summer of 1830, an eventful period of Mr. Yeadon's life commenced, in his connexion with the great union and nullification controversy, which then began to rage in South Carolina. At this period, actuated alone by principle, and not pausing to consider the probabilities of success, he connected himself with the Union party; and was among the prominent speakers at the great meeting at the Union Bower, held on the 4th July, 1831, when party lines were distinctly drawn. He wielded his pen with singular ability and effect in this cause, for the columns of the City Gazette, in 1830 and 1831, in opposition to Nullification; and there can be no question that, during the whole period in which this matter was the subject of debate, no single mind aided more in eliciting truth, than that of Mr. Yeadon. Indeed, no man brought to the side of the question, chosen by him, more lucid reasoning, and more dignified and efficient sources. On leaving college he had read the celebrated pamphlet, written by Mr. McDuffie, signed, "One of the People," and was strongly imbued with its latitudinarian principles. The debates in the Legislature, under the lead of Judge Smith, and Hugh S. Legare, had, however, reduced the standard of Mr. Yeadon's opinions, and he was brought to that position which he has since

so consistently and ably sustained. Mr. Yeadon's belief on this vexed question of politics may be thus defined. He holds the opinion of a divided sovereignty between the States and the Union,—of a Union, sovereign, as respects its delegated powers; of States, sovereign, as regards their reserved rights,—neither possessing the right to trespass on the sovereignty, or the rights of the other; the Supreme Court of the Union being the constitutional and final arbiter on all disputed questions susceptible of submission to judicial arbitrement, and the ordinary action of our complex Government, with all its checks, balances, and safe-guards, state, federal, and popular, being the practical arbiter in all other cases.

Some other changes, we believe, have been admitted to have taken place in Mr. Yeadon's views, since his conversion to modern State-right doctrines. These are, *from believing in secession as a constitutional and peaceable right, to holding it to be revolutionary and treasonable, if attempted, by arms, against the consent of the Government of the Union. From believing in the inexpediency, to a sanction of the absolute expediency, of the Protective system.* He always held, and still holds, the Tariff to be constitutional; but once believed the adoption of the policy impolitic, and injurious to the South. He now considers it to have been constitutional and expedient, both for South and North; but thinks that the cotton manufacture, at all events, and, perhaps, some others, have reached too high perfection, to require further support from this agency. He is, therefore, opposed, at present, to increasing the duties for that purpose. The following extracts set this matter in its true light:

Extract from the address of Mr. YEADON, to the patrons of the Courier on taking leave of his Editorial duties.

"The undersigned, in dissolving his editorial relations with the Courier, its patrons and the public, trusts that he will not be deemed intrusive, but meet with a kindly indulgence, in a full, but succinct development of his political creed, and his views on the great political issues of the day.

"He believes that our Government is a happy combination of the federal and national

forms, investing the general government with complete sovereignty within its constitutional sphere, and leaving to the several States complete sovereignty within their reserved powers, the whole body being fitly joined together and compacted by that which every joint supplieth, according to the effectual working in the measure of every part, making increase of the body, unto the edifying of itself in love. In cases of conflict between the respective jurisdictions, the Supreme Court of the United States is the constitutional and final arbiter as to all questions susceptible of a judicial determination; and as to all others, the general government, in its ordinary and regular action, with all its complicated checks on usurpation or abuse of power, is practically, and of necessity, the tribunal of dernier resort. This results inevitably from the provisions of the federal Constitution, extending the judicial power of the United States to all cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made under their authority; to controversies to which the United States shall be a party, and to controversies between two or more States; and declaring that, this Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the *Supreme law of the land*, and the judges in every State shall be bound thereby, *anything in the constitution or laws of any State to the contrary notwithstanding*." In other words, the very object and purpose of our present admirable Constitution, the work of wisdom by an assembly of patriots and sages, unexampled in the history of the world, were to form a nation, to the extent of the powers conferred on the central government.

"In this admirable scheme of polity, emulating the solar system, as well in the harmony of its action, as in the complexity of its structure, and like it, so nicely adjusting the centripetal and centrifugal forces as to secure the steadiness and lustre of the orb of light and life that stands poised in the centre; and the fidelity of the revolving planets, of whatever magnitude, to their assigned and respective orbits, without clashing or interference. There is found, too, every desirable check and security against usurpation or abuse of power by the central authority.

"If the foregoing views and opinions are well founded, and that they are so, is believed with unswerving faith and confidence, it follows that the doctrines of nullification and secession, so widely entertained and with such mischievous effects, in the State, are wild and untenable heresies.

"As to the tariff or protective system, the

undersigned believes it to be both constitutional and expedient.

"He believes a national bank constitutional as a necessary and proper financial agent of the government, and in order to establish a sound national currency, the regulation of which he believes to be the province and duty of the General Government."

Amidst the intense excitement that prevailed in South Carolina, on the subject of the tariff, in 1831, various modes of redress were suggested. Among them was that of a Southern Convention, which enlisted the pen of Mr. Yeadon; and which he pressed, as the measure of the Union party, in certain essays in the *City Gazette*. The unanimity with which this mode of action has been adopted in the South, in reference to a late proposed unconstitutional action of the national authorities in regard to Southern relations, speaks well for the far seeing and prudential views of Mr. Yeadon, of whom, it may also be said, that he was among the first to recommend that measure in the present exigency.

The ardent Unionism of Mr. Yeadon was not without its proscriptive reward, for in December 1831, he was refused a re-appointment to the Magistracy of his native city; a station of which he had discharged the duties most ably, not less to his own, than the advantage of the country.

While thus breasting fearlessly the strong current of popular sentiment in South Carolina, an observing eye was on him. A. S. Willington, Esq., the Editor and Proprietor of the *Courier*, a gentleman whose clear and practical intellect had long illustrated the cause of commerce and of politics in the South, at once saw and appreciated the talents of Mr. Yeadon. The result was a proposition about the 1st July 1832, that the latter should become an editorial writer for that paper; an offer which was at once accepted. Mr. Yeadon immediately carried into its service, the same energy and industry which has characterised him in every position which he has occupied; and he became and continued to be the leading Union Editor, in the State, until the close of the nullification controversy. We extract from various papers of the date of Mr. Yeadon's resignation of editorial life, the subjoined testimonials of his standing in the opinion of contemporaries:

"Richard Yeadon, Esq., has retired from the Editorial charges of this paper, Charleston Courier, which he has maintained with signal ability and honor for upwards of twelve years." "He reflected honor upon the Editorial profession, and the best wishes of all his contemporaries of the press follow him in his retirement."—*Richmond Times and Compiler*.

"Richard Yeadon, Esq., after an able and honorable career of upwards of twelve years, has retired from the Editorial chair of the Charleston Courier."—*Baltimore Patriot*.

"Richard Yeadon, Esq., has retired from the Editorial management of the Charleston Courier, a post which he has occupied with distinguished ability for the last twelve years. Although we differed from him in politics, a sense of justice compels us to admit that, he was an able, bold, and efficient writer; and that the editorial corps has lost in his retirement, one of its most talented and accomplished members."—*Farmer's Gazette, Cheraw, S. C.*

"*Charleston Courier*.—Richard Yeadon, Esq. for more than twelve years past, the principal editor of this excellent journal, we regret to say, on Monday last, surrendered his connexion with the editorial department of this paper, and betook himself to his increasing professional and private engagements. His retirement from a station he has filled with so much credit to himself and the concern, and so much honor to the country and the profession, will be a source of regret to all who had the pleasure of an intercourse with him. To us it is matter of unfeigned sorrow to part company with one, who has been an efficient and valued co-laborer in the cause of our glorious Union, and in the propagation of sound Whig doctrines. Politics aside, however, we venture to assert, that all his contemporaries, from one end of the Union to the other, and we may say all over the world, where his journal has been received, will give him credit for his probity and candor, and for his marked and peculiar amenity of manners. In his withdrawal from the corps editorial, a light has gone from the galaxy, whose effulgence in times past has carried joy and gladness where the gloom of ignorance and error held its dark and slavish dominion. We part with him in sorrow, because in his retirement, the cause of sound and wholesome information and improvement loses a faithful advocate and friend. The laurels he has won are doubly his own, from the perilous and difficult position where he fought for them; and since duty now calls him from the field of strife, we trust he may find them as sweet to repose upon, as they were honorable and brilliant in their achievement."—*Mobile Daily Advertiser*.

Other testimonials, called out by this event, would swell our memoir beyond the pages allotted to it. Sufficient it is to say, that a very general outburst of editorial commendations announced it; and attest the value of the services of Mr. Yeadon to the Union, and the Press.

In the summer of 1832, Mr. Yeadon was appointed a member of the central committee of the Union party, and elected its Secretary; a situation, from the nature of the issue made up between the parties, and the bitterness of the contest, of great confidence and responsibility. In that capacity, and as editor of the Courier, he stood in the front rank in this long to be remembered and terrible State conflict; receiving on the strong shield which he bore the severest assaults of the State-right's nullification party, and striking vigorously for the cause of the Union, and the Constitution; and, it may be said, without the partialities of friendship, or the inclination of the partizan, that, during the whole course of that new and vindictive quarrel, no pen, no mind, no heart ever did more to sustain the Union, and to elucidate its blessings, than were brought to the cause by the subject of this memoir.

On the first of January, 1833, Mr. Yeadon became, with Mr. Willington and Colonel King, a co-proprietor of the Courier; and acted as its political and literary editor until the fall of 1844, when he retired; and has never resumed his position, though occasionally contributing to its columns. He persevered in his opposition to nullification, and the Test Oath, till the reconciliation of the parties in 1834, and wherever the Courier went, even where doctrines, counter to those advocated by it, were held, its dignified, its frank and reliable character, was unhesitatingly acknowledged. By those who maintained kindred sentiments it was hailed as the faithful advocate of the Union, the just expounder of the Constitution, the truthful, firm guardian of American liberty.

In 1836, Mr. Yeadon was elected to the Legislature. In that body, instead of devoting himself to the explaining of abstract politics, he set about the reforming of the laws, in many particulars defective; and in serving the best interests of hu-

manity. He was the author of an important reform in the law of insolvents—of those provisions, giving creditors the right to cross-examine as to the truth of schedules, and to call for the production of books kept by the debtor; of an act, enlarging the jurisdiction of the City Court, and giving efficiency to executions, issued from it, throughout the district. He also suggested the project of enlarging the prison bounds, so as to embrace the entire district, and of limited co-partnerships;—measures which, though they then failed, were subsequently carried out. In October, 1838, Mr. Yeadon was defeated in the canvass for the Legislature, in consequence of his opposition to the sub-treasury, or hard money scheme; an opposition, which he waged by the side of the lamented Legare.

In 1835 Mr. Yeadon, in a series of essays in the *Courier*, and, subsequently, in pamphlet form, gave the world a lucid, temperate, and learned treatise on the subject of the rights of the South, with respect to slavery. It was fitting that he who had, under such discouragements and hostilities, so nobly stood forth the friend of the Union, in one controversy affecting its integrity, should again raise an arm for its defence in another, not less—perhaps far more—dangerous.

In September, 1838, while on a visit, with General Hayne and others, to Lexington, Kentucky, engaged in furthering the project of uniting Cincinnati with Charleston, by rail-road, Mr. Yeadon was elected an alderman of the city, in which position he served one year, and then declined the poll. During the period of his service in that body, he was instrumental in procuring the enactment of an important measure connected with the cause of education. This was the creation of the high school of Charleston; and the appropriation of a certain sum, annually, both to that institution, and to the college of Charleston. The plan of the high school, drawn up by Mr. Yeadon, is the most unique and effective of any we ever met with; and deserves to become the model for all similar establishments. The labors of Mr. Yeadon, in these respects, have conferred very valuable benefits on the youth of Charleston; not the least of which is, that the valuable services of Dr.

Bachman have been procured as Professor of Natural History, for the college of Charleston. Nor is it alone to these institutions that Mr. Yeadon has given his efficient services. As Commissioner of Free Schools, a station which he yet fills, he has labored assiduously for the poorer classes—originating, and pressing to consummation, a local, or parish tax, for the erection of houses for free schools, and for apparatus; a measure, sanctioned by the Legislature, and which will soon develop advantages commensurate with the dignified objects of the sacred trust.

Up to the summer of 1840 Mr. Yeadon was identified with the Jackson and Van Buren party, though not sanctioning the sub-treasury scheme. At that period he separated from the party on that point, and on account of the charges of abolitionism against the virtuous Harrison. During the canvass of 1840 he remained neutral; but joined the Whigs on the election of Harrison. He denounced John Tyler's apostacy and treachery, in common with the Whigs of the day, and entered warmly into the contest of 1844, in favor of Henry Clay. To this struggle Mr. Yeadon brought all his enthusiasm, diligence, and ability. From the mouldering records of past history he revived and disinterred every fact which could tend to the illustration of the policy of his party, or be brought to act as testimony against his opponents. South Carolina, Georgia, Virginia, and the District of Columbia, were fields in which he personally shook the ranks of Democracy with his searching, bold, and eloquent appeals; and arguments, which he had prepared with great industry, and which, with extraordinary force, placed fairly before the popular mind the constitutionality and expediency of the Tariff,—became text books in every discussion in the south-west. In the canvass of 1848 he advocated the election of General Taylor; but the Whig party, having no distinct organization at that period in his State, he threw himself upon the side of the Taylor Democrats, who triumphantly carried the city. When it began to be evident that an attempt would be made to graft the sentiment of abolitionism on the institutions of the nation, he vigorously took the side of Southern rights. On this topic he

knows no Whig, no Democrat. While no man would do more to uphold the Union, or take more pride in its perpetuity, he is prepared to repel the slightest interference with the South, on the slavery question.

Mr. Yeadon's practice at the bar has yielded him remunerating emoluments; and he is, therefore, possessed of a very handsome fortune. Not only have his industry, and attention to business, been blessed, but his liberality also; for, while prudence has regulated his private affairs every public and private charity has found him a liberal benefactor.

Mr. Yeadon's capacity for usefulness has devolved on him the performance of many duties in civil and military life. He has filled, with approbation, many important public stations, and he is identified with nearly all of the charitable and school associations of the city. The Northern States, North Carolina, South Carolina and Georgia, are indebted to his pen for some of the finest descriptions of scenery, and the most graphic biographical sketches ever published in this country; an art of composition in which Mr. Yeadon is remarkably happy, and which causes his presence to be hailed with delight wherever he travels.

Mr. Yeadon's style of speaking is clear and brilliant. He has at ready command a large amount of, not only shining, but pure coin; and he expends it with ease and gracefulness. The visit of Mr. Webster to Charleston, in 1847, gave Mr. Yeadon a fine opportunity of displaying, not only the warmth of his heart, but of his eloquence too. As fair specimens of his extemporary style, we subjoin extracts from his speeches at the New England Society and Bar dinners to Mr. Webster.

At the first, being called on, Mr. Yeadon said—"He presumed that the call made on him indicated that the company desired from him a sentiment merely, not a speech. That, after the brilliant and almost unparalleled display of oratory, eloquence, and exquisite wit, which had graced the occasion, it would be vain presumption in him to interrupt the further festivity of the evening with a set discourse. He could not forbear, however, giving expression to his gratitude for the courtesy which had made him a participator in the rich and

rare enjoyment, that had so signally marked this social and festive scene—that had made him a guest of the family party, given to the favorite son of New England by the descendants of her pilgrim fathers, who had made the sunny South their home. It afforded him heartfelt pleasure to unite in doing honor to their distinguished guest. He honored him as the light and glory of our literature, the star, the sun of our intellectual sky—as bearing, in oratory and eloquence, the same relation to our country, that Demosthenes and Cicero bore to Greece and Rome; emblazoning her with an equal lustre—as having won, by a long life of illustrious public service, in the Senate, the cabinet, and the field of diplomacy, not only the title of New England's favorite son, but, also, that of the patriot statesman of America—and as standing forth, by universal acknowledgment, one of the greatest citizens of our great Republic; belonging not only to his native New Hampshire, and his adopted Massachusetts, but identified with the history, and contributing to the fame of his entire country; and, therefore, rightfully claimed as the common property of the nation. There was one particular, too, in which, as a Carolinian, and a Southron, he felt more than commonly proud to do grateful honor to Daniel Webster. In his own Massachusetts, and in the Congress of the Union, he had boldly and patriotically rebuked the mad spirit of fanaticism, that, under the banner of a false philanthropy, would preach a crusade against Southern rights and institutions, and stab to the heart the peace, the prosperity, nay, the very existence of the South. It was gratifying, also, to recal the fact that, in the year 1840, in the capital of the Old Dominion, under the 'October sun' of a Virginia sky, he, Mr. Webster, had given utterance, 'before his entire country,' to the just, patriotic, and constitutional sentiment, and committed it 'to the wings of all the winds,' to be borne to every human ear, whether of friend or foe, of North or South, on all the responsibility that belonged to him—'THAT THERE IS NO POWER, DIRECT OR INDIRECT, IN CONGRESS, OR THE GENERAL GOVERNMENT, TO INTERFERE, IN THE SLIGHTEST DEGREE, WITH THE INSTITUTIONS OF THE SOUTH.' He pro-

claimed that we, of the North and South, were citizens of *United States*—united only for the purposes of common defence, common interest, and common welfare, but separate and independent in every thing connected with their domestic relations, and private concerns. Honor to the man who upholds the *Constitution* as the bond of our Union, and as the aegis of protection and bulwark of defence, to the separate interests and institutions, each and all, of our United States. He could not conclude, said Mr. Yeadon, without expressing his delight also, at beholding his own native State thus extending welcome and courtesy to Massachusetts, the mother of industry, enterprise and refinement, in the person of her illustrious Senator. It was fitting that old Massachusetts, she that had rocked the cradle of the revolution at Lexington and Bunker's Hill, should be thus met with old affection, and 'time honored' hospitality, by South Carolina—which had not sung the lullaby of our young independence; but tuned its ear to other, and different music, the thunder of Fort Sullivan. He gave, as a sentiment,—

"The reception of Mr. Webster in Charleston. The old Palmetto Fort exchanging a friendly salute with Bunker's Hill."

At the Bar dinner to Mr. Webster, Mr. Yeadon spoke as follows:

"He asked leave to pay a common and richly merited tribute to the three greatest men of the Union. The relations borne by their illustrious guest to his city, his State, his section, and the nation at large, naturally suggested to the minds and hearts of all present, two other distinguished citizens of our republic, his co-equals in greatness and fame, whose relations to city, State, section, and nation, were identical with his own. Boston, the Athens of America, Massachusetts, the cradle of the revolution, New England, the home of the Pilgrim Fathers, delighted to do honor to DANIEL WEBSTER, the 'bright star of the East.' Lexington, the soul of hospitality and intelligence, Kentucky, the eldest of the Western sisterhood, the far and mighty West, in all its vast extent of territory presented the laurel to Henry Clay, the great statesman of the West, who now, alas, in sorrow and desolation, amidst the shades of his own beautiful Ashland, mourns, with crushed and anguished heart, a gallant son, laid as a sacrifice on the

altar of his country. Charleston, the Queen City of the South, South Carolina, the soil of the evergreen palmetto, the South, the sunny South, the home of chivalry and generous sentiment, do homage to John C. Calhoun, the pure and lofty patriot, the fearless champion of the South. Each of these illustrious men, in his own section, stands unrivalled in greatness and in the popular heart; and yet each was regarded as the common property of the nation, which had reaped such a long harvest of advantage and fame from their illustrious services in the Senate, in the cabinet and in the diplomatic field. At home, each towered in greatness and elevation, beyond compeer; but when viewed as the national plain, they rose in the similitude of three lofty and colossal columns, contrasted in their order of architecture, but equal in magnitude and height. He asked for permission then, as not inappropriate to the grateful occasion, to twine a common garland for the three great men of the republic. He gave Clay, Webster, and Calhoun, the three pyramids of America. Colossal in intellectual proportions, and towering in moral grandeur, they as much exceed those of Egypt in greatness and glory, as the intellectual and the moral are above the physical, they and their memory will be revered, while liberty is worshipped and public worth is cherished in this land of the free. The time may come when posterity will say: From yonder pyramids more than twenty centuries look down upon our actions."

In person, Mr. Yeadon is of respectable medium height, and somewhat stout. His head is what a phrenologist would admire, as happily proportioned, enough of the physical to give stability to the moral and intellectual, and his face is characterised by benevolent and intellectual expression. In disposition he is bland and courteous; and, though in moments of close attention to business, one may pronounce him occasionally and unconciliatory in manner, this arises more from anxiety to make progress with his engagements, than from a want of appreciation of the particular complaisances of life. Under an exterior sometimes forbidding, is beating a generous and sympathising heart, one ever open to the impressions of philanthropy; ever overflowing with kindness and urbanity.

In business the most minute particulars engage his observation or memory; and while, with some men, it requires hours of preparation, to make the transit from one department of business to another, he engages in the greatest variety

of transactions with ease and facility. His literary labors are voluminous, and will form a noble treasure in the letters of his native State. It is to be hoped, that the correctness and fluency of his pen will

be directed to the elucidation of the history of South Carolina; a work for which he is eminently qualified, not less by qualities of industry in the collection of materials, than from the elegant character of his diction.

AN ESSAY ON THE
LIFE AND WRITINGS OF FRANCOIS RABELAIS,
THE GOOD CURATE OF MENDON.

BY EUGENE LIES.

Rabelais est-il mort ?
Non sa meilleure part ha repriz ses espritz.

JEAN TURQUET.

WE profess to be so far a disciple of the great philosopher to whose fame these pages are devoted, as to entertain the utmost abhorrence of bigotry, cant, and exclusiveness, in all their forms, whether based on national or sectarian prejudice. The ephemeral literature of Great Britain is particularly obnoxious on that score; it is redolent with the offensive taint of self-laudation. For this, we feel in some degree prepared; but we have no patience with a class of American writers who, without the obvious excuse of their transatlantic cotemporaries, endorse the conceited blunders of the British press. We will cite as a specimen the following critical dictum from a late number of a popular magazine of New York:—"An Anglo-Saxon can appreciate, although he may not altogether admire, Gallie wit; but a Gaul is hopelessly incompetent to understand Saxon humor." We notice this remark, not for its originality, but merely because it is the echo of many others of the same character, and to the same effect—common places of British self-gratulation, empty sounds, *voces et preterea nihil*, which the authors of Great Britain have uttered in the candor of ignorance, and which our own writers repeat, because they pass current in Great Britain. We should like to know on what grounds rests the common assumption that humor is the exclusive property of the Anglo-Saxon race, or that there exists such a thing as a

special Anglo-Saxon variety of humor. What is humor? We will not attempt a definition which Addison has declared to be so difficult. But we imagine that a tolerably clear, though concise, idea of the humorous style is conveyed, if not by the epithet of *joco serius*, which Strabo applies to the satires of Menippus, at least by merely inverting that compound expression. Suppose that, catching the prevailing mania of Neologism, we took the liberty to qualify a work as *serio jocosus*—it may be that the word would appear obscure—but if it meant anything at all, it certainly would mean *humorous*. Had the critic, whose remark we have noticed, stated that humor is a thing so exquisite, so delicate, and so inseparably woven with expression, that it loses a great deal of its effect in a translation, he would have occupied a much more tenable position.

If there be anything *sui generis* in Anglo-Saxon humor, we plead ignorance and beg for light; but if humor, in all languages, be merely what we conceive it, a veil of mock gravity cast over pleasantry to make her more attractive, then all the writers, whether Greek, Latin, Spanish, Italian, or English, who have practised that artifice, are humorists. And above all, the prince of humorists is one Francois Rabelais, whom the critic had probably overlooked in making his sweeping assertion.

Why did not Rabelais write his own

life? No theme could have suited his genius better; no pen could have better graced the theme. We do not hesitate to say that such an autobiography would have proved the most humorous of his works; a relation of the most Pantagruelic incidents by the author of Pantagruel. Unfortunately, his life yet remains to be written, and a few dates, a few facts, mentioned as it were inadvertently by cotemporary writers, some incidental allusions in his correspondence, and scant official entries that record several of his public acts, are all the authentic materials which criticism has been able to discover. On the other hand, however, tradition has bountifully supplied the defect. So universal was Rabelais' reputation for facetiousness, that for years afterwards his countrymen attributed to him every merry saying or doing that came to their knowledge. In this respect, he shared the fate of all originals in being made to father a long and spurious progeny, which, living, he would have disclaimed indignantly. It is somewhat difficult to discriminate, in the vast number of anecdotes attributed to Rabelais, the genuine from the false; nor is it easy to reconcile the conflicting accounts of several most important particulars relating to him. Yet the labors of modern criticism have much facilitated the task, so that we are enabled to furnish our readers with a tolerably consistent narrative of the leading events of his life.

Francois Rabelais was born at Chinon, in Touraine, about the year 1483. His father was either an apothecary, or an inn-keeper; at all events, a man of some property. Rabelais received the elements of his education at the Abbey of Seuillé, where he passed his time, to borrow his own quaint expression, "in drinking, eating, and sleeping, in eating, sleeping, and drinking, and in sleeping, drinking, and eating." We next find him at a monastery, in the neighborhood of Angers, where he remained until he was sufficiently advanced in age to commence his noviciate. He then entered a convent of the Franciscan order, where he was finally ordained a priest sometime in or about the year 1511.

In the solitude of the cloister, Rabelais lost no opportunity of gratifying that innate thirst of knowledge which, to the last hour of his life, formed a prominent trait

in his character, and redeemed—although it failed altogether to refine—many a gross instinct, many a sensual appetite. He became thoroughly acquainted with ancient literature, and even mastered the Greek language, which at that time was but little understood or studied.

The more he followed his elegant pursuits, the greater became his contempt for the gross ignorance of his brethren at the convent. This feeling, which he took no pains to disguise, produced its obvious consequences. With the exception of two kindred spirits, whom a similarity of tastes united in friendship with him, the monks of Fontenay le Comte hated, while they envied, the accomplished Rabelais. The hatred of monks is not habitually inactive, and, on this occasion, the mercurial temperament of their victim furnished their vengeance with ready pretexts. The vigilant inquisition of revenge never slumbered till poor Rabelais was confined under sentence of perpetual imprisonment—in *pace*, as they called it, with cruel irony—in the subterraneous dungeons of the convent. There are several versions as to the particular offense for which so severe a punishment was visited upon him. Some state that he mixed with the wine of the monks certain atonic drugs whose enervating influence greatly annoyed the voluptuous fathers, whilst others raise against him the still more serious accusation of having done *precisely the reverse*. A more rational and probable account charges him with having caused great scandal by his conduct at a village holiday gathering, where, in a drunken bout with some peasants of the neighborhood, he indulged in eccentric and obscene vagaries. But the characteristic and most popular is the following anecdote:—Tradition says, that he unceremoniously dislodged the statue of the blessed Saint Francis from its pedestal by the altar in the church, and, dressing himself for the part, ascended the vacant place and prepared to personate the Saint during the service. This idea, which he may have borrowed from the Stylites of ancient times, and which the Ravels perhaps borrowed from him, he contrived to carry out for a while with becoming gravity. But Rabelais had none of the spirit of Saint Simeon about him; he was not born for a model artist. At the most impressive

moment of the sacrifice of the mass, weary of his motionless attitude, he astonished the good villagers by the sudden exhibition of certain frantic gestures. It is said the congregation did not at first realize what they saw; they thought the statue had become animated. They were in a fair way to believe in a genuine miracle, when the incorrigible jester extemporized such a substitute for the ceremony of sprinkling with holy water, as was certainly unbecoming in the statue of the canonized founder of a religious order; and the wonder degenerated into evident sacrilege.

Whatever was his offense, influential friends soon interposed in his behalf, and procured, not only his release, but an order of the Pope for his transfer from the begging order of Saint Francis to the elegant leisure of the Benedictine rule. But his impatient spirit could not brook even the gentle restraint of his new discipline; escaping from the cloister, he assumed, without leave or license, the habit of the secular priesthood. He attached himself as secretary to the person of the bishop of Maillezais, his old friend and fellow-student and a liberal minded man, at whose house he became acquainted with some of the leading literary characters of the day, who were supposed to entertain opinions which leaned towards the Reformation; he associated or corresponded with the illustrious Budens, with Jean Bouchet, one of the leading spirits of the day; with the poet Marot, soon after tried and convicted on a criminal charge of eating bacon in Lent; with Louis Berquin subsequently burnt alive for Lutheranism; with Hugues, Salel, and Calvin. The latter was very partial to Rabelais and encouraged his inquisitive spirit until it led him to conclusions beyond the Calvinistic standard; and then the Genevese reformer became our author's irreconcilable enemy. It would seem that during this period Rabelais freely indulged in the expression of his hatred and contempt for the superstitious ignorance of his late cloistered brethren, if indeed he was not even conscious of having seriously committed himself against orthodoxy. For no sooner did the day of persecution arrive, no sooner were the flames of the Inquisition lighted to consume the works and persons of heretics, than Rabelais sought a refuge at the illustrious University of Montpellier, where he

entered his name as a student in medicine.

He was now forty-two years of age; his person was tall and commanding; his countenance was habitually frank, open and good humoured in its expression, yet assumed whenever he chose an air of dignity which commanded respect; his voice was powerful and sonorous; in short, he possessed all the gifts of the orator. On the very day of his arrival at Montpellier, he obtained a most enviable distinction by a brilliant improvisation which he volunteered. In a wonderfully short time he became the soul and chosen spirit, the pride and the boast of that ancient and famous institution. To this day, graduates in medicine at that University when they take their degrees, don for the occasion the *robe de Rabelais*, not the identical one however; for that precious garment has long since shared the fate of other ancient valuables; it has been carried away in patches for relics.

An anecdote is related which commemorates the eccentricity and the prodigious learning of Rabelais, as well as the high estimation in which he was held at Montpellier. The Lord Chancellor of France had infringed some of the privileges of the University of that city, and Rabelais was chosen as an ambassador to solicit redress. Upon reaching Paris, he found that the main difficulty consisted in obtaining an audience of that magistrate who was, it seems, determined to listen to no communication on the subject. He adopted, therefore, an expedient strongly characteristic of his odd and ingenious turn of mind. He dressed himself in a costume calculated to attract attention, a long green gown, an Armenian bonnet, oriental breeches; and then, with a pair of enormous spectacles fastened to his cap, and an inkstand of prodigious size in his hand, began pacing up and down the quay, in front of the Chancellor's residence. His quaint attire and strange demeanor soon collected a crowd; and the Chancellor sent to inquire the cause. "I am the calf-flayer," answered Rabelais. This unsatisfactory answer only piqued the curiosity of his Lordship who commissioned one of his gentlemen in attendance to question the calf-flayer. But Rabelais greeted him with a Latin oration. Another messenger appeared who understood that language and was addressed in Greek. A Greek scholar came down, but the calf-

flayer could no longer speak anything but Hebrew. In short, he exhausted the learning and patience of the household by addressing each new interpreter in a language unknown to him, and displayed such varied knowledge that the Chancellor ordered him to be called in; Rabelais improved his opportunity and represented the claim of the University in such skilful and pleasing terms, that he gained his cause at once. In his *Pantagruel*, Rabelais has set down this incident at large, and applied it to the meeting of Panurge with that friendly giant. There can be no doubt, that he has thus woven many of the incidents of his own life with the adventures of Panurge. It is, perhaps well for the good name of our author, that we cannot at this late day distinguish his personal recollections from what he has invented. Very many of the least reputable tricks and pranks of his favorite personage are narrated with so much complacency and with an air of reality so life-like, that we are tempted to suspect that they were perpetrated by their chronicler himself.

It was about the year 1532, that Rabelais made his first appearance in the literary world. This was an inquiring age; the recent invention of printing had awakened a thirst for learning which was seeking to quench itself in the deepest wells of ancient lore. It was the aim of the printers of that day to employ the most learned scholars as proof-readers and commentators. In this double capacity, Rabelais entered a printing house at Lyons, from which several editions of classical works issued under his superintendence, among others, his own translation of the *Aphorisms of Hippocrates*. It is said, however, that the publisher was well-nigh ruined by the ill success of those enterprises, and that upon his complaining to Rabelais, the latter swore by Jupiter and by the Styx that he should be indemnified for his losses. A few days afterwards he brought to him the first version of the romance of *Gargantua*, of which more copies were sold, as the author informs us, than there had been Bibles purchased for the last nine years. The object of this production was to ridicule the prevailing taste for romances of chivalry, a conception which, as Cervantes afterwards proved, alone contained the germ of an immortal work. Such was the immense popularity of this first im-

perfect attempt that its author republished it several times in an altered form, and at last was induced to follow up his theme in the first book of *Pantagruel*. This book, like its predecessor, is but a tissue of extravagant adventures in the most hyperbolic strain. Some passages are in the author's best manner; but they only make the remainder more obnoxious by contrast. Rabelais appears to have written these random sketches only to aim a blow against the literary taste of the day. In those parts where he rises superior to his theme, it would seem that he either followed unconsciously the promptings of his fine genius, or that he wished to test how far the peculiar style which he had created could serve as a vehicle for lofty thought and deep philosophy. We are obliged to give this surmise upon our own responsibility, because,—owing probably to its extreme simplicity—it seems never to have occurred to commentators. On the contrary, with the most wrong-headed perseverance, they have exhausted their ingenuity in discovering a regular plot and a sustained allegory running through the fables of Rabelais; some have insisted that they contain the history of France during three successive reigns; others have traced the romantic annals of Navarre minutely set down in the text; and many have been sagacious enough to point out the very personages in the story; there are keys innumerable which purport to lay open the mysterious and hidden sense of *Pantagruel* and *Gargantua*. Such an allegory, if it existed, would only mar the merit of the writer, without adding, at this remote day, the least interest to his productions. We feel justified, however, in acquitting Rabelais on that score. True, in his rambling portraiture of society, he might occasionally copy from the life, he might now and then introduce the playful caricature of some living personage, he might allude to passing events, and to the literary, religious and political concerns of those stirring times; nor did he ever permit an opportunity to escape of plying the lash upon his mortal enemies the monks, several of whom he has handed down to unenviable fame. But his native taste served him too well to permit him to blunder into a sustained allegory.

Our wayward man of genius was reaping his full harvest of fame when he was vis-

ited at Lyons by his old friend and fellow-student Cardinal du Bellay. This was one of the most remarkable persons of the age. He was then engaged in negotiating the reconciliation of Henry VIII. with the church, and he proposed to Rabelais to accompany him to Rome. The author of *Pantagruel*, who was never proof against any temptation to ramble, accepted the offer with delight, and entered the cardinal's household in the double capacity of physician and secretary. He carried his bold wit and joyous humor even into the presence of the Pope. When he saw the Cardinal kissing the slipper, he went about the reception room inquiring what sufficient mark of submissiveness was left for so humble an individual as himself to give, when a great Lord like his master was kissing the foot of his holiness. The jest was coarse enough, especially as it was worded on this occasion. But had it been coarser, it could hardly have incurred the displeasure of the joyous Clement, who loved a joke as he loved science and art. Yet Rabelais, who was well aware of it, pretended to feel alarm, for the purpose, most probably, of heightening the effect of his daring allusion. With great show of terror he ran out of the palace, bestrode the first horse he found, and galloped away through the rain, which was pouring in torrents, until overtaken by a special messenger, who assured him of his pardon. When again led into the presence and requested to test the sincerity of his absolution by naming any boon within the gift of the tiara, he humbly supplicated the Pope to excommunicate him. Clement was astounded: but Rabelais explained: he had heard an old woman exclaim, after vainly trying to kindle a fire, that the wood had the Pope's curse upon it. "Therefore," continued he, "your Holiness can confer no greater favor upon me; for I am a Frenchman, and my countrymen are greatly addicted to making bonfires of folk."

The Pope and his court were highly amused by these buffooneries, and felt the less disposed to take offence at them that they proceeded from one of the most learned and ingenious scholars of the day. For Rabelais, in spite of his Epicurean doctrines, and his joyous affectation of pleasure-seeking, remained to his last day a most indefatigable student. During a residence of

six months at the Papal Court, he found time to pursue the most extensive researches in Botany and Archæology, and to add the Arabic to his stock of foreign languages.

On his way to Paris with despatches, he was detained at Lyons, because, with characteristic improvidence, he had squandered on the road his allowance for the journey. He extricated himself from his embarrassment by a practical joke. Disguising his name and person, he invited the principal doctors of the city to confer with an adept of the Art, who, from his travels had brought home the most valuable secrets. At the appointed time, after disguising his appearance in a suitable costume, he came before them, and in a counterfeit voice, addressed his audience on the most arduous topics of the science. When he found that he had chained their attention and their interest, he proceeded with an air of great caution and mystery to close the doors of the apartment. Then in a low tone and guarded manner, he announced his secret: "Behold an infallible poison which I have brought from Italy to deliver France from her incubus, the King and all his family." The magistrates were immediately apprised of this nefarious scheme, and caused Rabelais to be arrested and sent to Paris for trial. As a State-prisoner he was sumptuously entertained on the road, and reached Paris in the best possible condition. When he was ushered into the presence of Francis I. the royal patron of arts and letters courteously dismissed the Lyonesse delegation, and invited their prisoner to partake of the cheer of the royal table, where Rabelais drank deep and kept the court in a Homeric laughter by the relation of his successful imposture.

After this adventure Rabelais returned to Lyons, *ubi sedes est studiorum meorum*, as he says himself. In this city, he gave himself up entirely to study, and pursued his intellectual labors with a fervor and disinterested activity that entitle him to be considered a benefactor of humanity. As physician to the hospital of Lyons, he gave lectures on medicine, and dissected publicly. As superintendent of the printing establishment of the city, he employed Sebastian Gryphus, who printed several editions of his works.

tory he questioned nature and strove to rob her of her deepest secrets. For he saw and advocated the necessity of experiment long before *novum organum* and the (*anglice*) reputed father of induction. At night he ascended his observatory and studied the stars until they grew pale in the first light of day. He sought relaxation in the society of a chosen band of friends, who had secretly organized, it is said, under his auspices for the purpose of advocating with the masses the doctrines of Calvin, reserving for the initiated only the knowledge of their remoter mysteries. These consisted, it would seem, in that practical epicureism expounded in the foundation of the monastery of Theleme by Gargantua. The mental exertions which he put forth at this period did not make him forget the style of literature which he had created; he published several comic almanacks, which have served as models to many imitators. It would seem that his contemporaries would not see the lurking satire in its true light, and took the predictions of Rabelais in such sober earnest that he soon obtained a vast reputation as a grave astrologer. It was also at this time that he completed and gave to the public his final version of the first two books of his humorous Gargantua and Pantagruel, adhering to his former plan only in so far as it made war against the absurdities of chivalrous romances, but indulging in the most open manner his detestation of monks and convents, and his quiet contempt for bigotry in all sects and religions.

This work appeared at a period of fierce religious persecution. King Francis and his Court, alarmed at the progress of the Lutherans and Calvinists, suddenly took into their heads to become strict Catholics. Several wretches were burned for heresy. The best writers of France were scattered in exile over Europe, or lingered in canonical dungeons. Rabelais wisely resolved to absent himself for awhile, and again took refuge at Rome, well knowing that he was nowhere safer from the persecution of ecclesiastics than in the shadow of the ecclesiastical throne. He threw himself at the feet of the pontiff and presented an humble request for absolution. Paul III. proved as indulgent to the author of Pantagruel as his predecessor had been, and

granted him a brief which fully absolved him and enabled him to practice medicine, (without fee) while still enjoying the benefit of the clerical profession—a kind of roving commission which was well suited to our author's taste. Rabelais did not see fit to return immediately to France, but remained at Rome, amusing the Pope with his humorous repartees, and dietating, it is said, many of those witty sarcasms which the statue of Parguin had the privilege of publishing in that city.

In 1537, he returned to Montpellier, where he lectured and practised extensively, applying his system of Pantagruelism to the cure of the sick. Indeed, he considered it a point of the utmost importance to make his patients laugh. "Laughing," he says, "is the distinctive characteristic of the human race." But he never thought of complying with the conditions upon which he has received his bull of absolution, until he found it necessary to do so in order to receive emolument from an ecclesiastical preferment. He then sent a new petition to Rome, and armed with a new patent, repaired to the Benedictine convent of Saint Maur. Here he resided for a while, availing himself, nevertheless, of his license, to practise physic, for rambling about the country whenever his wayward spirit prompted him. We learn from his correspondence, that he passed several years in travelling from place to place, without any other aim or object than to enjoy life or to investigate some curious subject.

At last, in 1546, he issued his third book, requesting his reader to forbear laughing until the 78th should appear. We cannot help wondering at his audacity in acknowledging such a production at a time when the monks had all their own way in France. Dolet had lately been burned alive. Des Périers had committed suicide to escape religious persecution. And Marot had sought safety in exile, for having translated the Psalms into French verse. But Rabelais had powerful friends, and tact enough to avail himself of their aid.

The third book is immeasurably superior to its predecessor. We are no longer disgusted with fabulous accounts of giant prowess; we are no longer puzzled by obscure local and personal allusions. We

are admitted as spectators to a gorgeous scene, where the comedy of life is enacting under our eyes. Satirical and philosophical digressions no longer occur as exceptions only. They form the substance itself of the work. Of the personages of the story, nothing remains but the names. We forget that Pantagruel is a giant, and we love to hear him expound his shrewd and practical views of human affairs. Panurge himself is the embodiment of the doctrines of Rabelais. His playful cynicism is the life and soul of the work. If we here attempt to convey an idea of this strange production, it is less with a hope of doing justice to so vast a subject within the limits of our present paper, than with a view to induce others to take it up. Our scant extracts are chosen not altogether from the finest passages, but from those which are most free from obscenity, that prevailing taint of the work. We are compelled to give these extracts in our own language, however inadequate, because such published translations as we have met with are unfaithful, and often mar the simplicity of the original with interpolated wit.

King Pantagruel, having conquered Dip-sodie, proceeds to dispose of his new territory on the most approved feudal principles. He gives the lordship of Salmygondin to his favorite Panurge, who husbands his estate so providently that "in less than fourteen days he wasted and dilapidated the fixed or contingent revenue of his manor for three years. Nor did he properly dilapidate it, as you might say, in founding monasteries, erecting temples, building colleges and hospitals, and throwing his bacon to the dogs, but expended it in a thousand little banquets and merry roysterings, to which all comers were welcome, particularly jolly fellows, young maidens and trim wenches; felling timber, burning large logs for the sale of the ashes, anticipating his income; buying high, selling low, and never waiting for his corn to grow ripe."

To all this extravagance the king strenuously objects, while Panurge undertakes to defend his conduct, and to prove logically that it is the duty of every good citizen to waste his estate and to run in debt. On this single issue they argue pro and con, exhausting all the wit and learning

which the topic admits of, and which may now be found diluted in a thousand plays and poems from Figaro to Don Caesar de Bezan. The discussion proceeds through several chapters, in that rambling, desultory manner which Sterne has imitated—as masters alone can imitate. The resemblance between the two writers is too obvious to be overlooked. Rabelais is more practical, more amusing, more anecdotic, more learned, though less ostentatious in displaying his knowledge. On the other hand, he never strives to move the heart; he never melts, never softens, but remains throughout joyous and even-tempered. How could he have indulged the pathetic mood? Sentimentalism is the luxury of leisure and seclusion, and Rabelais had lived a busy life of bustling adventure, of physical and intellectual dissipation. He had strained his comprehensive mind in the pursuit of Truth, and had found that all things human were a mockery and a farce; that no mortal sorrows were worth a tear, and that the sum of all wisdom and philosophy was to laugh, quaff, and be merry.

To return to the story. Panurge, finding that his sophistry is thrown away, and that the good sense of his benefactor is proof against his arguments, after vainly begging that he may be allowed just a few debts, only to keep his hand in, begins to look about for some new source of excitement. Accordingly, he presents himself one morning before Pantagruel with a flea in his ear—not a metaphorical flea, but a genuine specimen of entomology, set in gold earring. His toilet is likewise indicative of a perturbed mind. He has left off his breeches, and also, desists wearing—what was once the pride of his soul—a certain article of dress, considered *indispensable*, at that time, but decidedly *inexpressible* at the present day.

"Honest Pantagruel, not understanding the mystery, interrogated him, asking what meant this new prosopopeia. Quoth Panurge, 'I have a flea in my ear; I wish to marry.' 'In good time,' said Pantagruel, 'I am delighted to hear it.'" It appears, however, that the old rake yet entertains some doubts and scruples about the matter. He fears to place himself in a situation where the *lex talionis* may be visited upon him for his past misdeeds.

He, therefore, goes about the country, taking counsel of every one as to whether he had better marry. To consult Fortune he adopts several methods in vogue at that time, dice, dreams, sorcery, and "pricking the book." Each successive oracle threatens with all the evils of matrimony. But, with laudable ingenuity, he tortures every denunciation with a favorable answer, and persists in interrogating the future. He consults a sybil, and next, a deaf and dumb individual. The account of his interviews with those two personages is comical in the extreme, and we only refrain from inserting it, for fear of offending the strait-laced morality of the day. At last he calls at the chamber of a dying poet, under the popular impression that there are revelations of the future attendant upon deathbeds. The good old man delivers his verdict in writing, and dismisses his visitors with a touching, though sarcastic farewell: "Go, children; I commend you to the great God of Heaven; annoy me no more with this, or any other business. I have, this day, which is the last day of May, and of me, turned out of my house, with great fatigue and trouble, a crowd of ugly, unclean, and pestilential beasts, black and dun, white, grey, and spotted, that would not let me die in peace, but with their treacherous stings, their harpy-like filchings, and waspish teasings, weapons, forged in the smithery of I know not what insatiability, roused me from the soft thinkings whereunto I had yielded myself, already contemplating, seeing, touching, and tasting the weal and felicity, which the good God hath prepared for his faithful and his elect in the other life, and in the state of immortality. Turn ye from their ways; be not like unto them; no more molest me, and leave me in peace, I beseech you."

The following chapter, where Panurge, issuing from the dying poet's chamber, pretends to take the part of the monks, is the one for which the monks sought to bring Rabelais to the stake:

"Issuing from the room, Panurge, affecting to appear quite frightened, said: 'Sblood! I believe he is a heretic. The devil take me if I do not. He speaketh evil of the good mendicant fathers, the Cordeliers and Jacobins those two hemispheres of Christendom, by the gyrogonomic circumbilivagination whereof, as

by two celestial counterpoises, the whole automatic matagrobolism of the Roman Church, whenever it feels pothered with any gibberish of error, or heresy quivers homocentrically.* But what, in all the devil's names, have those poor devils, the Capuchins and minims, done unto him? Are they not sufficiently smoked and embalmed with misery and calamity, those wretched objects, mere extracts of fish diet? On thy faith now, Brother John, is he in a state of salvation? By the Lord, he is going damned, as a serpent, to thirty thousand loads of devils. To speak evil of those good and valiant pillars of the Church! Is that what you call poetic frenzy? I cannot stand it; he sinneth villainously; he blasphemeth religion. I am scandalized.' 'I,' said friar John, 'don't care a button. They abuse everybody, and if everybody abuses them, I am indifferent. Let us see what he wrote.' Panurge attentively read the good old man's writing, and said to the rest: He is delirious, the poor toper. I excuse him, however. I think he is near his end. Let us go make his epitaph. By his answer, I am no wiser than I was before. Hearken here, Epistemon, my darling, dost thou not think that he answered most resolutely? By the Lord, a subtle, rampant, and palpable sophist. 'Sdeath! how cautious of speaking amiss! He answereth only by disjunctives. He can but speak the truth, since it is enough that one part be true. . . . 'The same was practised,' remarked Epistemon, 'by Tiresias, the great soothsayer, who, ere he began to prophecy, openly said to those who consulted him: 'what I shall say, may or may not happen. Such is the style of prudent prognosticators.' 'Nevertheless,' said Panurge, 'Juno put out both his eyes.' 'True,' answered Epistemon, 'for having decidedly better than herself, the dubious point mooted by Jupiter.'"

The remainder of the third book is devoted to the many attempts of Panurge to solve his problem, and presents a lively satire of Divination in all its forms. Among the various answers he receives, one of the wittiest is the apologue of the ring of Hans Carvel, which the poet Prior borrowed.† If foreign writers have

* Read Ranke's History of the Popes, and admire how the sagacious genius of Rabelais appreciated what modern historical criticism has but just begun to appreciate, viz., the Counter-Reformation, and the agency of the religious orders.

† The researches of the Jesuits have proved that this anecdote, as well as many other popular stories, was known in China and Hindostan thousands of years ago. "There is nothing new under the sun."

appropriated, without scruple, the rich ores of Rabelais' inexhaustible mine of invention, his own countrymen have done the same to a still greater extent. La Fontaine, Molière, and many others, have drawn from him some of their happiest and most humorous passages, which, being served up at second hand to an Anglo Saxon public, have made the latter wonder and exult at the prodigious fertility of Anglo Saxon genius.

There arose one universal clamor of hate, spite, and revenge at the appearance of the third book. Calvinists and monks united to denounce and crush its author. The latter, however, was armed at all points. To judicial proceedings he had papal bulls and king's privileges to oppose. To those who ventured to attack him in print, he replied with scorching satire. His reputation and standing were but little affected by their attacks, since a few years afterwards (in 1550, old style) he was appointed Curate of Meudon. His appointment roused anew the rage of his enemies, and compelled him, in self-defence, to answer them once for all. This he did, by publishing his fourth book. Pressed by our limits, we can scarcely more than allude to this wonderful work, which raised the renown of its author to the highest pitch, and brought him within the very smoke of the stake. The fable purports to relate the adventures of Pantagruel, and his suite, during their travels. Under cover of this thin veil of allegory Rabelais plies the lash in succession over Huguenots and Papists, lawyers, judges, doctors, and others, in that pitiless, yet good-humored manner, of which the secret lies buried with him. It will be readily perceived that the plot resembles that of a late work, called *Mardi*, the strange title of which may be less borrowed from the original dialects of Polynesia, than from Pantagruel's watchword (*Mardi-Grass*) at the great battle on Farouche Island. There are many other points of resemblance between the two works, barring transcendentalism, which was not yet invented, when Rabelais wrote. Besides, the adventures of Pantagruel are amusing—so much so, that at the fiftieth reading of particular passages, we have laughed till we cried.

Rabelais was so hotly assailed for this

new publication, that he did not venture to publish its continuation. He was getting old, and wished to die in his bed. The fifth book appeared after his death. Its authenticity has been suspected, and rightly so, we conceive, as regards particular chapters. But it bears, generally, the unmistakable stamp of his genius. It is neither the least remarkable, nor the least amusing of his works. It contains a satire on courts and judicial officers, as keen and severe as it is laughable. There is a passage in the eleventh chapter worthy of special notice. It foretells woe and calamity whenever the dark mysteries of French Jurisprudence shall be made evident to the people. This was first made fully evident by Beaumarchais, and the great French Revolution accomplished the prophecy.

The "good curate of Meudon" was fortunate enough to end his days in peace. He passed the evening of his life in the midst of his books, plants and instruments, surrounded by affectionate parishioners and in the enjoyment of the most unbounded popularity. Meudon became a place of frequent resort for the admirers of his genius and continued long after his death to be considered as a shrine of fashionable pilgrimage. It is, we conceive, greatly to the credit of Rabelais, that living as he did, in an age of fierce religious controversy he never permitted the prevailing mania to lead him astray. He merely attacked bigotry wherever he found it, in cloister, university, or conventicle. The result was, that both parties assailed him with equal fury. Calvin never allowed an opportunity to escape of venting his spite against one from whom he had hoped so much for the cause of the Reformation. He forgot his good breeding so far as to perpetrate an offensive anagram upon the name of our author, who retorted with much wit and readiness. On the other hand, the monks were indefatigable in striving by their writings and their intrigues to compass his ruin. It was only through consummate tact and admirable address that he escaped the machinations of cabal and envy.

He met death, at an advanced age in the true Pantagruelic spirit. When he donned the black robe according to the rule of his order, he punned on the first words of the Psalm: *Beati sunt qui moriuntur in*

DOMINO. The priest who attended him, saw fit, before administering the sacrament, to question him as to his belief in the Real Presence. "I believe," said Rabelais, "that I behold my Saviour precisely as he once entered Jerusalem,—borne by an ass." No wonder the poor priest afterwards published everywhere that the author of Pantagruel died drunk. His last will was characteristic. "I have nothing, I owe much, I give the rest to the poor." On the point of expiring, he mustered his strength, laughed aloud, and exclaimed, almost with his last breath, "draw the curtain, the farce is over."

This is not the place for us to enlarge upon the philosophy of Rabelais. A kind of practical Democritism, made applicable to human concerns was surely a leading feature of his mind as it is of his writings. But he alone is competent to expound his own doctrines. There is a volume of Pantagruelic wisdom in the following remark of Panurge "All the weal which Heaven covers, and which the earth contains in all its dimensions, height, depth, longitude and latitude, is not worthy to move our affections and disturb our senses and spirits."

As a writer, Rabelais has exerted immense influence on the world. He was the first to bring out the real wealth of the French tongue. He was the first of a long chain of writers who have handed down to each other, as by a kind of intellectual conductor, that thorough command, which he first possessed of the difficult idioms of that language. Molière, La Fontaine, Voltaire, Gresset, Le Sage, Beaumarchais, and a few others, may be considered as the lineal descendants of that great author. The sole surviving representative of that glorious line is Béranger, whose fate it is to witness the decline of his country's literature. For, through all the glitter of the modern school of France, we can discern, at best, but misdirected genius. The national taste has become perverted. Gaudy exotics have been engrafted upon the original stock. But they are like parasites that rob the tree of its sap, while their verdure is that of decay.

In his style, Rabelais affected to use

obsolete expressions. This was only a consequence of his determination to champion the genuine vernacular in opposition to innovators. The writings of his contemporary Ronsard are more modern by half a century than his own. He, likewise, delighted in eccentric turns of phrase. Whenever he broached a subject, he exhausted it. His great work may be considered as an encyclopedia of the knowledge of his age. His boundless command of expression sometimes betrayed him into unmeaning accumulations of epithets, mere catalogues of words, the point of which is not often evident to us. Such was the candor of his cynicism, that he hesitated as little to trifle with his own fame as with the patience of his readers.

We would, in conclusion, proffer a word of extenuation in behalf of the moral character of the writings of Rabelais. True, they contain many obscene passages. But remember their date. Will it be credited that he borrowed some of his most immodest anecdotes from contemporary sermons of orthodox preachers? Squeamishness was hardly the prevailing sin of the age, since Luther himself was prone to write in a style which we could adequately qualify only by borrowing some of his own epithets—and these we will not venture to quote, although they are clothed in a learned language.

Besides, we deny that the *tendency* of our author's writings is immoral, except, perhaps, in so far as they may inculcate too great a disregard for human concerns. Although the perusal of any single page might revolt the most indulgent, by the great freedom of expression, still, as you proceed, you enter more and more into the spirit of the author. His apparent licentiousness no longer scares your propriety, and you surrender up your judgment to him, feeling like a child in the hands of an intellectual giant, or like a candidate for initiation at the mysteries of Eleusis, following your guide through passages and labyrinths of dismal obscurity, yet never doubting that you will soon emerge into the broad light of Heaven.

EVERSTONE.

BY THE AUTHOR OF "ANDERPORT RECORDS."

(Continued from page 387.)

CHAPTER X.

EARLY in the winter, Richard Somers was called by business to a distant part of the State. He had begun to think of returning, when he fell sick, and was detained a month or two longer. At last, sufficiently convalescent to relish his morning's toast and coffee, and to be able to direct his thoughts without fatigue to certain octavos bound in well-thumbed law-calf, which gave dignity to the walls of a snug apartment situated some four degrees nearer the rising sun; he opened letters bearing a Redland superscription, with no great annoyance, though each was sure to remind him of a huge arrear of labor.

He received one letter of very peculiar tenor; yet, like most of the rest, it came from a client:—

"DEAR SIR:—

It gives me gratification to have it in my power to inform you that papers have been discovered which seem to remove all doubt of the suit's being decided otherwise than in our favor. That you, sir, who have supported our cause so ably in its darkest hours, should conduct it to the prosperous issue which is dawning before it, would be our first and most earnest desire, did we not know what honorable reluctance you feel to having any agency in Mr. Everlyn's disappointment. As it is, we rejoice that circumstances now allow us to relieve you of the painful duty which you are too upright and generous to throw off yourself. Are we mistaken, sir, in supposing that the best return we can make for your steadfast

adherence to us so long as our interests required it, is to dispense with your aid the moment we can do so with safety? Nearly by the time this note reaches you, a jury will probably have been impaneled and a decision rendered. Thus you will escape all occasion to reproach yourself for having injured your friend, whilst yet you have secured the warm and lasting gratitude of your clients.

Truly rejoiced to hear of the improvement of your health, and trusting that it has been ere this perfectly restored,

I am with the deepest respect, &c.,

SYLVESTER NEWLOVE."

A singular epistle, thought the lawyer; and he subjected it to a second reading. Satisfied then that he did not mistake its purport, he felt vexed. It is pleasant to entertain a conviction of one's own importance, and Somers, though it had cost him much pain to cleave to the New Yorkers, was not unnaturally chagrined to be told that they, being able to get along of themselves, were quite content to part company. The very act of self-sacrifice is attended with a degree of enjoyment, and it is hard to be balked of the luxury. A sensation of mortification, too, is mingled with the disappointment. To find no use for all the moral nerve which by much forethought and diligence has been provided for some desperate endeavor, is attended with a discomfort like that experienced when one rushes with prodigious momentum against a door which gently opens of its own ac-

cord the instant the shoulder of the assailant is about to impinge upon it. In such a predicament, not only is there a waste of carefully collected vigor, but an awkward tumble is very apt to follow, with possibly the coincidence of a contusion. Besides, however desirable any object, no man is fully contented, unless the attainment of it be the result of duly appointed means. A zealous lawyer identifies himself with his client; the suit is not another's struggle, but his own, and there is no person from Caesar to the juvenile engineer who drains a mud-puddle or dams a gutter, but prefers to owe his triumph altogether to his own exertions.

But if Somers' services in the suit were to be dispensed with, who was to supply his place. He was not at a loss to conjecture. It will be remembered that Caleb Schrowder had in vain applied to him to conduct the controversy with the squatter Foley. The headstrong Northerner, not frightened by a phenomenon so strange and ominous as a lawyer's refusal of a case, looked about for another and less reluctant attorney. Such an one was found in Mallefax, who, after securing to himself a sufficiently respectable amount of fees, conducted his client in the end to the very same result that Somers had declared to be necessary—a compromise with Foley. Mallefax, however, managed the affair with such adroitness, that Schrowder not only loosened his purse-strings promptly at every summons, but expressed himself perfectly satisfied with his lawyer. He even urged the propriety of giving him something to do in the more important suit. Somers at first would not listen to the suggestion, but finding himself exposed to continual importunity, subsequently yielded the point. Well aware, indeed, that the candidate was a sharp fellow, he thought that if strictly watched he might, perhaps, be made serviceable. Mallefax, after being thus retained, appeared very active and earnest, so much so that all three of the New Yorkers came—in spite of the dry hints of Somers—to repose considerable confidence in him. There could be little doubt accordingly to what hands the Newloves had been induced to commit themselves. That they were likely to be led into mischief, was equally clear, and this consideration, if Somers had been dis-

posed to harbor malice on account of the abrupt dismissal, was capable of affording ample consolation. I will not venture to deny that such a sentiment might have passed through his mind, but it is certain it did not abide there. The prospect of his late clients suffering from their hasty measure only aggravated his uneasiness.

A whole afternoon was spent in grumbling at the self-sufficiency which had presumed to act independent of counsel. The next morning, he began to look at the matter from a different side. If Everlyn could no longer regard him as the agent of ruin, and if he was henceforward to be exempt from every office conflicting with the unreserved manifestation of his attachment to Sidney, why need such a happy result cause him discomposure? As to any damage threatening Newlove *et al*, he was not responsible for it. No lack of fidelity on his part had betrayed them into bestowing undue trust upon a knave. And moreover, the letter told him the matter was irrevocably settled. Perhaps there had really been a discovery. The New Yorkers may have gained the day and been put in condition to impose what terms they pleased on their competitor. If so, he might well congratulate himself that he was not obliged to be the go-between who should tell Everlyn it was not permitted him to trespass any more upon the soil of another.

Before the close of that second day's meditations, our lawyer became not simply resigned to the new disposition of affairs but joyful and elate. And so refreshing proved the ensuing night's rest that he deemed himself well enough to start on his journey towards Redland.

As he crossed the western border of the county, he was very curious to learn what decision had been made by the jury, but met no one capable of giving the information. He hesitated awhile what point to strike first. Munny's store suggested itself as the natural centre of intelligence. But to go thither, the habitations of the New Yorkers would have to be passed, and he had small inclination at that moment to hold a conference with them. No; love demanded as its tribute that he should direct his unshackled steps first to Everstone. He had now the opportunity to show Sidney that no sooner was the stern

restraint of professional duty removed than his heart's immediate impulse was to seek her presence.

"Is Miss Everlyn at home?" was his inquiry at the door.

"No, sir; she's gone to take a walk up the big hill where the spring is, way past the fodder house."

"Has Mr. Everlyn gone with her?"

"Yes, sir."

"If I leave my horse here, I can walk across the fields and find them, can I not?"

"Very easy, sir. If they aren't at the top of the hill, you can see from there all around."

Somers went, accordingly. After a brisk walk, which excited a glow in cheeks made pale by sickness, he stood on the summit of the eminence. It was late in March. The grass had commenced to put on that hue which is so grateful to the eye of man and beast; and the budding trees gave promise of their leafy treasures. A little distance down the further slope, a rivulet bubbled forth; on the rocks which surrounded its source two or three persons were seated. The beholder recognized at once the fine manly bust of Mr. Everlyn, and it was impossible that a lover's eye could mistake the proud and graceful carriage of the bonneted head beyond. Somers hastened to the spot.

Everlyn, and his daughter, and Howard Astiville, who, it seems, had accompanied them in their walk, rose and saluted the visitor courteously, though with an evident air of restraint. Somers alluded to the mildness and beauty of the day. Everlyn coldly assented to the truth of the remark, adding, that such delightful weather succeeding the confinement of the winter, had tempted them to take a longer stroll than perhaps, was altogether prudent.

"I do not wonder," Somers then rejoined, "that you should avail yourself of the earliest permission which the seasons give to issue out of doors, when you have so beautiful an eminence as this to resort to, and one commanding so extensive a prospect."

"That it affords a view of nearly the whole of my purchase," said Everlyn, "was a slight recommendation of the spot to one who saw himself in imminent danger of losing everything which it overlooked: but events that have turned up within the

last few days give as different a color to the landscape, as that which less interested eyes behold, when the snows of February yield place to the verdure of Spring."

Somers hardly knew how to interpret this observation. Did it mean that Newlove, notwithstanding his confidence, had lost the suit? But, after all, what mattered it to him? The Northerners had voluntarily given him his discharge. He stood relieved from all concern, either in their success, or their defeat. Without waiting to learn the fate of others, he would explain the happy change in his own position.

He said: "You remember, I hope, Mr. Everlyn, that I have assured you from the very first that nothing but a conviction of duty could compel me to make any efforts tending to your injury."

"I do call to mind, sir, that you have heretofore expressed yourself to that effect."

"Perhaps, Mr. Everlyn, you have been disposed to doubt whether I was sincere in the declaration. And I am not sure that, ignorant as you were, of many of the considerations which affected me, you could avoid forming an unfavorable judgment. The consciousness that I was liable to the suspicion of duplicity constituted not the least painful circumstance of my situation. I feel a hearty joy in being at liberty now to say, that there is nothing which I hope for more unreservedly than your success and happiness. I tell you, sir, I would not, for the fee-simple of all the acres between this hill and Anderport, place myself again, as, during months past, I have been placed. I trust, sir, I am no longer disbelieved."

Somers, as he ceased speaking, stretched himself up proudly, and looked around. Everlyn, with the frank and cordial manner of their earlier acquaintance, declared how gratified he was to know that their friendship could be renewed in all its vigor."

The lawyer immediately afterwards turned to Sidney: "May I not hope that I am restored to *your* favor also?"

This appeal was made with so much earnestness of tone, that Sidney, who could not be unaware that she had more than one lover watching her demeanor, blushed. Her father quickly answered in her stead:

"Sidney is a good, amiable girl, I think,

and will never hate anybody who does not seek to injure Everstone."

Everlyn went on. "So, they could not induce you, Somers, to take a share in their last rascally plot. They had to look elsewhere for somebody to perform such dirty business! My only surprise is, that you were not undeceived, as to their character, and the merit of their claims, long ago. But, better late than never. I suppose that, notwithstanding you have escaped from them, you would not like to speak of the intrigues, which they communicated in confidence, or I should ask you to satisfy our curiosity upon some points."

Somers gravely rejoined, that he could not, for one moment, allow it to be supposed that anything had transpired, during his intercourse with his late clients, to lead him to doubt either their personal integrity, or the legal strength of their title. "I speak particularly," added the lawyer, "of Mr. Newlove and Mr. Dubosk. With Caleb Schrowder I never chose to have any dealings, except in so far as his rights were involved in theirs. It is but simple justice to the two former to say, that if I am unwilling to advocate their cause, my aversion springs only from the fact that their triumph is inseparable from the defeat of older and dearer friends, and it is, I think, due also to my own honor to make known that my release comes from their free, unsolicited act. There was no abandonment of the engagement on my part. Examine this letter, sir."

Everlyn took the open sheet extended to him, and began to run his eye over the contents.

"Read aloud, if you please," said Somers.

Everlyn, after doing so, folded up the paper, and looked first at Sidney, and then at Howard Astiville. No remark was made, till Everlyn, glancing at the back of the latter, said: "This is addressed to you, I observe, at Zephyrville—have you not since seen Mr. Newlove, or received some further communication from him?"

"I have neither seen him, nor heard from him," answered Somers. "The note is dark, except upon one point. It is this, however, which alone interests me, and I have sought to learn nothing else. Mr. Newlove here tells me he requires my services no longer. I am perfectly satisfied

to remain in ignorance of the circumstances which have induced him to come to this decision."

"And would you have us believe you ignorant of what occurred in Court the other day?" This query came from Howard.

"I am altogether uninformed," replied Somers. "Have the jury agreed upon a verdict?"

"All other persons in Court, at any rate," said Howard, "have agreed upon one opinion."

"And what is that, if I may ask?"

"They are convinced of this sir, that however worthy your clients may be, one of them has a daughter of very questionable character."

"Explain," said Somers, reddening. "I do not understand you."

"I must give you a narrative, then, from the beginning," returned Howard, with a smile. "The jurymen were impaneled last Monday, and the excellent Mr. Mallefax appeared as counsel for Newlove and others. With great parade, a paper was exhibited, purporting to be the original copy of a survey made a good many years ago by Spencer Harrison—possibly you never saw the paper, Mr. Somers?"

"No! Go on."

"This survey was pretended to have been made for insertion in a deed of bargain and sale, from my grandfather, in favor of somebody or other, whose name is of no importance, as the deed was never executed. The terms of the survey, however, seemed to be drawn upon the supposition that the Astiville land extended no further than the Upper Branch, and hence your enterprising friends jumped to the conclusion that this was an acknowledgment, by my grandfather, of the reality of that Compton title, on which the Yankees rest."

"Pretty good collateral evidence," observed Somers, "though insufficient by itself."

"But hear the issue! Mason, our chief lawyer, scrutinized the paper, and, although the writing bore a considerable resemblance to that of old Harrison, he thought he detected some differences. Harrison, you know, has been very infirm this long time,—indeed, it was reported the evening before the trial that he was on

the point of death. It is, by no means, probable that the New Yorkers supposed he was really out of the world. Mason, upon application to the judge, was allowed to send to the old surveyor's, and procure papers, in corroboration or overthrow of that which had been offered in evidence. Spencer Harrison had that morning partially revived—and in this recognize how Providence oftentimes interposes to disappoint the schemes of villainy! Harrison was not only in the possession of his mental faculties, but was able to speak with coherence and intelligibility. He informed the persons who visited him, where to find the original field-notes of the survey alluded to. In those field-notes, which, of course, were immediately brought into Court, no mention whatever was made of either branch of the Hardwater. The truth was, that the tract of land measured—which was only of some three or four hundred acres size—did not reach so far South. Another fact also, and the judge was very much struck with it. The field-notes were written in an altogether different hand from that which Harrison used of later years. The person who made up this false survey, ignorant that there had been any change in the surveyor's chirography, had written in a flowing, scrawly fashion, instead of using the stiff and upright characters, which would have suited the date assigned."

"Do not stop, sir," said Somers impatiently, "what happened next?"

"Well," continued Howard, "the Court-room afforded quite an amusing scene to the lookers-on. Mallefax fidgetted about uneasily, now examining one paper, and now another, screwing up his features the while into expressions, whose like were never seen on any other countenance. Finally, he declared plumply that he didn't know what to make of it, but that Miss Emma Newlove had given him the paper as genuine. All eyes were bent on the young lady, who, as it fortunately happened, was in the Court-room at the time. She was greatly abashed, and did not attempt to deny Mallefax's representation."

"What did the jury do?"

"They failed to agree; yet a large majority were against the New Yorkers."

"This is certainly a very remarkable statement," said the lawyer.

"It is a correct one, however," observed Everlyn, "as I can testify. I was present at the trial, and shared in the universal surprise excited by the revelations so unexpectedly made."

Somers, after a few moments' silent thought, inquired:

"Where is the paper supposed to have come from?"

Howard answered in a quick, decided tone, "There can be no question that Emma Newlove forged it."

"I do not believe it," said Somers, shortly. "'Tis absurd to think of such a thing!"

"You are alone in your opinion of its absurdity, Mr. Somers. She is a smart, accomplished young lady, I am told, and quite capable of executing such a performance."

"Pshaw," returned Somers. "You, also, are capable of reading and writing; but does this amount to the same as saying that you are capable of forgery?"

"You mistake me, sir," said the young man, "I did not mention the fact of Miss Newlove having received a good education, as proof, but by way of reply to an anticipated objection. There are many other more cogent reasons for believing her guilty of the crime which it is clear some one has committed. Mallefax is the only other person whom there is any ground to suspect, and Sylvester Newlove has stated since Monday, that his daughter acknowledges having herself communicated the paper to the attorney. And if she did not forge the survey, why is no attempt made to account for its having come into her hands?"

"You may pile argument on argument, Mr. Astiville—or rather you may continue to heap up shadows of arguments, but you will sooner convince me that yonder water is flowing up hill than that Miss Newlove has done what you say."

"That is confidently spoken," exclaimed Howard mischievously, "You could not deny the charge with more earnestness if it were made against yourself."

"And what of that?" replied Somers, "Does it appear so marvellous and incomprehensible that a man should be as ready to repel an undeserved reproach from another person as from himself?"

"I stand corrected, sir. I ought not to

wonder, for lawyers are accustomed of old to speak as fluently for one culprit as another, or if there be any difference in the quantity of pathos expended, it is measured out, they say, according to the amount of consideration."

"A sneer requires no answer," said Somers calmly.

"Yet," rejoined Howard, "If you so unceremoniously reject the reasons which have seemed to us sufficient to establish Miss Newlove's culpability, I think we are fairly entitled to demand in return some other proof of her innocence than a sweeping assertion. You admit, sir, that you are quite ignorant of the circumstances of the case except so far as you have been informed by us, and still you pronounce upon them with the manner of one who possesses perfect knowledge. Is this reasonable, I appeal to your own sound judgment, Mr. Somers? Is this young lady whom we supposed to have been wafted hither from Yankee-land, an angel from Heaven? Are presumptions which would overwhelm any other individual to be allowed no weight when urged against *her*?"

"Miss Newlove has not yet been arraigned, I believe," returned Somers, "nor have I been appointed her counsel—perhaps it will be as well to postpone the discussion till then. By that time I may become less obnoxious to the charge of ignorance which you now cast at me."

Howard took pleasure in pressing on the other's evident reluctance. "If the Grand Jury have not taken up the matter, private persons may, notwithstanding, form their opinions."

"I admit it, Mr. Astiville, and so far am I from questioning the liberty of private judgment, that although you may entertain some very erroneous notions, I will not presume to controvert them. At present, in truth I can find more agreeable employment if Miss Everlyn will allow me to assist her to surmount that fence."

While this conversation was going on, the party had been walking slowly towards the house. They had reached the edge of the field where a high fence met them.

"I thank you," said Sidney in reply to Somers' offer of service, "but we can avoid the obstacle altogether by walking a little way to the right."

As they proceeded homeward, by the

course which Sidney pointed out, Somers contrived to keep close at her right hand. On the other side was the fence, and Everlyn and Howard walked in the rear. The latter was by no means pleased at this arrangement. He had not been prepared to see Somers place himself on such easy and familiar footing with Miss Everlyn. And compelled as he was to listen to the old gentleman's remarks upon the beauty of the wheat-field along the edge of which they were passing, jealousy enabled him to keep an eye and an ear attentive to the couple in front. He had never been a friend of Somers, and since the lawyer's open quarrel with his father, thought he had a right to *hate* him. That this man should step before him now with such assurance, and seem to make more progress at once in the obtaining Sidney Everlyn's favor than he himself had presumed to expect after months of assiduous courtship, was intolerable. He had noticed how sensitive Somers was upon the subject of Emma Newlove, and instinct told him, that Sidney, however amiable, could not be very much gratified to hear her suitor expatiate upon the merits of another young lady; so he resolved to provoke his rival to renew the discussion which had been broken off. An opportunity was not long in occurring.

Somers, during his talk with Sidney, naturally referred to the pain which her former coldness had inflicted. "I am sorry," he said, "that you should have so misjudged me. What could I do? I had engaged myself to these persons before I heard that your father was on the opposite side; they relied upon me, and should I forsake them?"

"But yet," said Sidney, "if you had become aware that they were in the wrong, I confess I cannot clearly comprehend how any blame could have been attached to you for withdrawing."

"No; and if I had been convinced that their claim was unfounded, not only should I have been justifiable in quitting them, but an ordinary sense of right would have compelled me to that course. Here lay the difficulty. My heart was warmly and entirely enlisted on your side—but stubborn reason will not yield to sentiment. So strongly was I biassed in your father's favor, that could I have but seen the balance

hang even, my eyes, blinded by partiality, would easily have been persuaded that the scale in which your interests hung was the heaviest. Though I tried hard, I could not deceive myself. To undertake the cause of these men, to tell them it was just, and then to turn around and, from personal considerations only, without any offence committed on their part, to break my engagement and desert them in their time of need!—I should have been dishonored forever."

"I imagine too," interposed Howard stepping up, "that your clients were gifted with such noble and attractive qualities, that on this account you could not have felt justified in leaving them to their fate."

"That is nothing to the purpose," replied the lawyer, not at all grateful for the interruption. "The character of the client should not be allowed to affect one's estimation of the case."

"Then, we have your authority for believing these Yankee gentlemen very disagreeable persons."

"Far from it, sir. All that I have seen, induces me to regard Mr. Newlove as an upright liberal-minded man; Ralph Dubosk is an industrious and skilful farmer, and he possesses other qualities which insure him the respect of every one who knows him; it is possible that even Schrowder has some good points, though I confess I have not yet found them out."

"I do think you are right about Newlove," observed Howard frankly, "He has really the look of a gentleman, and he speaks in a mild courteous tone, as if he had not been associating with oxen all his days."

Everlyn now spoke, "I must also say in justice to Mr. Newlove, that he has adhered very faithfully to the terms of the temporary agreement which has been made in relation to our respective use of certain portions of the land. A fine young horse of mine, happening to stray over into the vicinity of his dwelling, he had him caught and sent home to me, which is more neighborly conduct than is sometimes met with at the hands of persons who are neither strangers nor adversaries in a law-suit."

"Ah, what a pity it is that his daughter has behaved so shamefully!" sighed Howard, in a very pathetic manner.

"Do her the justice," said Somers, "to

believe her innocent, till the contrary is established."

"How singularly matters have turned out!" continued Howard, "the very means which she took to secure success, are likely to result in the overthrow of all her hopes. No jury will ever be persuaded that a cause which requires the prop of forgery, can have merits of its own to stand upon."

"For my part," said Sidney, "I am sorry if we are to owe our success to the misconduct of another. I cannot but hope, even at the risk of our losing the suit, that Miss Newlove may be able to show that the false survey did not originate with her. For the honor of our sex as well from regard to common charity, I must believe it impossible that a woman could be led by a sordid love of gain to meddle with crimes in which the lords of Creation have usually enjoyed unmolested their disgraceful monopoly."

"I thank you!" returned Somers with animation, "And be assured on my report that this young lady has in her favor not only the general presumption of her sex's innocence, but particular qualities of her own, totally incompatible with conduct such as is now charged. I wish you were acquainted with her, and could see for yourself how amiable and mild and conscientious she is."

"In truth, you ought to be grateful to her, Mr. Somers," said Howard, "since she has been considerate enough not to involve you in this ugly business of the survey. This very circumstance proves her to possess abilities which you have not enumerated in the catalogue of her admirable traits. She is a consummate judge of character, doubtless, and perceived that you were not the proper person to support a forgery, so she had recourse to Mallefax who, it is not unfair to believe, is troubled with few scruples. How adroitly she gave you the go-by in that letter!"

"You are altogether wrong," said Somers with heat, "her motives were very different."

"What were they then?"

The lawyer was silent.

Howard resumed; "Oh, you are quite too partial to Miss Newlove, to view her procedure in the proper light. She suddenly discarded you, whom she knew to be

a person of integrity, and took up Mallefax who is notorious for being the very opposite."

"Is it not possible," remarked Sidney, gently, "that the Newloves, strangers here, were unaware of Mr. Mallefax's ill-repute?"

"We cannot suppose so," answered Howard, "without imputing blame to Mr. Somers, whose duty it was to have cautioned them against him."

The lawyer appealed to here, by a look of inquiry, admitted that he had warned his clients not to put trust in Mallefax.

"And why was it," continued the other, "that you were not consulted with regard to this paper, Mr. Somers? If Emma Newlove thought proper to spare you the pain of appearing again in Court opposed to Mr. Everlyn, why was it thought inadvisable moreover, to refrain from asking your opinion upon the evidence to be presented? Is this excess of delicacy to be attributed to the fear of shocking your nerves by the spectacle of a document so ominous of ruin to your friend's fortune? Or did she apprehend that you might betray her cause at the very last? No, no! It is plain she feared you might detect and expose the meditated crime."

Somers perceived that young Astiville had a malicious object for endeavoring to draw him forth, but he thought it an unworthy thing to stand by in silence while reproach was heaped on one so blameless as he believed Emma. "If Sidney," was his thought, "be ungenerous enough to take it ill that I should defend absent innocence, I must have some other rule than her opinion to square my conduct by."

Howard who had continued to inveigh against Miss Newlove, wound up by saying "You acknowledge then, that our judgment is right, and that she is unworthy of defence."

The lawyer replied, "That an error has been committed is evident—a very serious error; but the motives that led to it, ought, I think, to escape such bitter censure. I do not deny that Mr. Newlove, and his daughter have been guilty of the weakness of paying regard to my peace of mind, it was very great misconduct, perhaps, and *you* may blame them for it, but I can not. As to the assertion that their failure to consult me, respecting the force

and authenticity of the survey, implies criminality, it hardly deserves an answer. I was absent, and an invalid at the time when it came to light. Who does not see besides, that, if they had gained the suit by acting under my advice, I should have been just as much implicated in Mr. Everlyn's hurt as if I had appeared openly in Court? They did not wish to save me merely from being recognised as their Counsel. No, I thank them for not suspecting me of the meanness of desiring to shun any responsibility which properly attached to me! Appreciating my feelings they sought to relieve me from the true burden of my situation, the necessity of acting in any way to the prejudice of those whose welfare I esteemed as my own. It is very hard, indeed, that Miss Newlove should be subjected to suspicion on account of a measure which was prompted only by a most kind and generous impulse. Had her nature possessed more selfishness, had she been as considerate of her own security as she was of the comforts of others, she would have avoided the danger of such misconstruction. Yet, it seems to me that this disposition of hers which has made her obnoxious to suspicion, should satisfy us she is incapable of guilt. No one who has had even the slight degree of acquaintance with her that I have had, can ever bring himself to believe that she could have descended at one step to such a depth of infamy. What other evidence indeed of her innocence need be offered than that which she bears on her countenance. Is not ingenuous truth written there by the very hand of nature?"

"You speak with ardor in the young lady's behalf, Mr. Somers."

"And have I not reason to?" he said, turning suddenly to Howard, who made the remark, "at a time when my motives were misinterpreted by all others, when friends, whose happiness was the single aspiration of my heart, looked cold upon me, then Miss Newlove had the charity to believe that a lawyer may be something else than the most sordid and groveling of creatures. Clearly aware, as she was, what cause I had to hope for her defeat, she did not distrust me. Nay, more, this knowledge only seemed to her an argument for bestowing an additional confidence on me. This freely tendered, undoubting faith, it must

not be forgotten, was manifested by a stranger; and if she had known me ever so well, she might have been pardoned for a degree of solicitude and suspicion. Heaven bear me witness, she appeared to have more confidence in my integrity, than I dared have myself!"

"Yet," said Howard, quite unmoved by the other's warmth of diction, "if Miss Newlove was aware of your repugnance to plead for her, why did she insist upon such self-denial?"

"She did not any longer than she believed circumstances required, as this letter which you have heard, proves, even then she must have perceived that some risk was incurred by releasing me from my engagement."

"And we are to suppose her sincere then, in those expressions of gratitude for your services, with which the note abounds."

"The note is from the *father*, Mr. Newlove, not the daughter; yet it may be she concurred in it. To vindicate the sincerity of the writer whoever it was, I may say, what, otherwise, I could not say without an appearance of vanity, that the Newloves have done me the honor to entertain such an opinion of my professional capacity that they must have been indisposed to relinquish my aid until the case was finally decided, unless they had yielded to motives entirely disinterested."

"That is in plain English," said Howard, "they let you off when they thought they could get along just as well without

you, calculating that they would be able to take you up again at any subsequent time, if it should be deemed advisable."

"Not so," replied Somers hastily, "they relinquish all claim, absolutely and unconditionally. With great disinterestedness they have chosen to place me in the same position as if I had never been retained by them, and, of course, I would not, knowingly, engage against Mr. Evelyn?"

"We are at the house door, I see," said Sidney, "let us not talk any longer of the past. I am glad at all events that you are now free, Mr. Somers, and feel yourself under no necessity, real or imagined, to set about tearing down the good old bricks which have a mind to enjoy the fresh air of the Highlands here for this many a day. Do not be angry if they seemed to frown on you before. You know it would be a very serious thing for them to start on another journey in their old age."

Somers smiled as he answered, "I fear I am made of too stubborn stuff to be greatly moved by all the wrath of these very respectable walls; that is, so long as their inmates do not take up the quarrel."

"Be not over bold, sir," rejoined the young lady, "some of the bricks may hear your vaunt, and tumble down, to deal heavy punishment on such presumption."

"Gramercy for the caution," said the lawyer, looking upward as he passed under the arch of the portico, "I do not covet the fate of Abimelech."

CHAPTER XI.

THERE are many in Redland County who must have a sorrowful remembrance of the feeling that prevailed throughout a portion of the community, at the time which this narrative has now reached. May no circumstances arise to provoke the repetition of those scenes! That the commotion which raged was preceded by causes very unworthy of such a consequence, all reasonable men will agree; but with regard to the influence which this

truth ought to have on our anticipations of the future, opinions will naturally vary, according to temperament. The melancholy will say that there is far less danger in the paroxysm which we can trace to its origin, than is that, which, by seeming to arise spontaneously, mocks all preventive skill. Yet, is not the philosophy of the cheerful spirit better? When we see a violent outburst of passion subside the instant it is recognized to be causeless, instead of giving

ground for further apprehension, does it not rather warrant us in expecting a long continuance of the succeeding calm? Elements of danger lurk everywhere, and there is room for congratulation when a society—great or small—deprived of all ordinary restraints, has been exposed to the power of every evil principle it contained, and has passed through that fearful ordeal unharmed.

It could not be, that no jealousy should exist between races thrown in contrast under such circumstances as those of the Northerners and Southerners in Redland. Both parties, viewing their situation through the distorting medium of prejudice, could perceive only a single alternative. One, it was thought, must prevail, and the other be subdued; one must possess the land, and the other be driven into exile. The new settlers, coming with habits which had matured and hardened under a different clime, trained from infancy, to struggle against nature, and gain the vantage, entered upon a fresh contest with the steadiness and straight forward audacity of veterans. The native born inhabitants, on the other hand, conscious of superiority in some of the noblest traits of the human character, could not bear to contemplate the necessity of giving way to persons who came, not as strangers, to ask hospitality, but as invaders to demand their submission. "If these men," said they, "manifest so insolent a temper now, what must we expect hereafter? If the green tree be thus, how much worse must prove the dry?"

Time will show, that these hopes, and these fears, were equally unreasonable. If the new race brought a spirit of energy which was destined to have its course, the old was far too stout and worthy to be either exterminated or cowed. It was no onset of Goth or Lombard, nor of civilized man and savage. Fortunately for the beautiful land which the Disposer of Nations assigned to them, both rivals are to disappear, and another is to stand up in their room; a race combining the best qualities of both, and superior to either. Perhaps, the Northerner, elated by past achievements may look forward to such a prospect with little satisfaction; and the Southerner, it is probable, relishes it no better. The latter, standing, as he does, on a soil appropriated by long possession, we may admit to be not

altogether without justification in his discontent. He feels an honest pride in his generosity, his high-spirit, and his conservative integrity; yet, should he reflect that these qualities need suffer no injury from an union with the puritan virtues,—thrift, enterprise and patient industry.

It is fair to believe that even in the exciting time of the spring of 183—, the characteristic moderation and justice of the old inhabitants of Redland, would not have been overcome, had not the indiscreet provocation offered by a few thoughtless Northerners, been exaggerated and embittered through the arts of selfish individuals like John Astiville. So skilfully had this bad rich man labored at his plot, during the winter, that, no sooner was the announcement made of a forgery committed by Miss Newlove, than the body of the the community hitherto restrained, principally by her mild and blameless character, began to raise the cry of "down with the Yankees." Even men of intelligence and education—persons, who were previously remarkable for inoffensiveness and good-temper—now thought it no sin to indulge in cordial detestation of a class, who, not content with shocking their strongest prepossessions, endeavored to wrest their property from them, by unscrupulous villany. If Emma Newlove, who appeared a very saint, had proved capable of such conduct, what redeeming traits could they expect to find in her rough and disgusting associates?

The mine was opened and charged, and only a little thing was wanting, to bring on the explosion. Mr. Newlove had a considerable flock of fine sheep, which he had imported from New York. Absalom Handsucker found one of them in the field, dead, and partly consumed by the buzzards.

"What, think you, could have been the matter with it?" inquired the owner.

"Don't know sir. Perhaps a dog took the first mouthful out of it—I saw Mr. Everlyn's pointer running across the field the other day."

"But is it probable Absalom? might not the sheep have died from some other cause?"

"Well it might—that's a fact," returned the overseer.

"Then," said the placable Mr. Newlove, "we'll say no more about it. There'll

be time enough to complain to the neighbors when other sheep are lost."

The next day Absalom met Caleb Schrowder, and, among other items of information communicated in the course of the sociable dialogue, the loss of the sheep was mentioned, and conjectures were interchanged as to the cause of its death. Schrowder went home very uneasy. He had himself some sheep. Not many to be sure, but what of that? The loss of one or two out of the number, would only be the greater proportionate damage. It was certain that dogs were quite too numerous in the neighborhood. The deduction was easily drawn—Bishop Whately himself could not have found fault with the syllogism—that a diminution of the number would be a public blessing. And why should not he, Caleb Schrowder, enlightened husbandman, and patriotic citizen, take part in so good a work? The folly of the man who locks his stable door after the horse is stolen, has become a proverb; some people with equal stupidity might put off killing dogs till the sheep were gone, but he knew better.

The design was not more grand than the execution was simple. There are many ingenious contrivances in the world, whose inventors have not obtained the immortality of fame which they deserve—among them is "the pen." Let me not be mistaken. No reference is intended to that trifling little implement, cut out of a goose quill, and whose utmost capability only extends to overturning thrones and setting brains on fire, but that other thing which country folks know better how to use. In days of old, the steel-pen, or stylus, was found quite valuable in shortening human life, but how much higher and more Malthusian the excellence of that *wooden-pen* which keeps in check canine prolificness! No model of this wonderful affair is to be found in the patent office, and there may be persons so grossly ignorant as not to understand the method of its construction. A few words of description may be given for the benefit of such untravelled citizens. The determined dog-hater takes about fifty large rails,* and builds therewith a quad-

angular enclosure, being careful that each course of rails, as it is laid, forms a square somewhat smaller than that below it. The result is, that the pen which is ten feet square at bottom, gradually contracts till the aperture at the top is left not more than a yard or two in width.

Caleb Schrowder, after enjoying a complacent gaze at his handiwork, bethought himself to take his wagon and drive over to neighbor Newlove's. When he got there, he preferred a request to be allowed to carry away the carcass of the dead sheep.

"Certainly. You may have it and welcome. I was going to have it buried, lest the dogs, drawn to the field by the scent, should take to worrying the flock. But what use can you make of it, Mr. Schrowder?"

Our friend, without vouchsafing any answer but a smile and a mysterious wink, proceeded to take possession of the coveted sheep. It gave him agreeable surprise to find that the wool had not been plucked, and no sooner had he got the carcass safe home than he set himself, undeterred by its loathsome condition, about the task of robbing it of all that remained of the once ample fleece. He doubted whether he ought not to secure the tallow also, as sheep at the South are always fat, but concluding that it was "hardly worth while," he placed the well-picked body, without more ado, inside of his rail pen. Then he turned himself calmly to other business.

That night, instead of going to bed, according to custom, immediately after supper, he sat up very wakeful indeed. About nine o'clock, he heard a barking, and subsequently a loud prolonged whine. With joyful alacrity he sprang to his feet, seized a loaded gun, and hurried to the trap. There he found a dog imprisoned securely enough. The hapless animal, drawn by the scent of the carrion, had easily run up the sloping side of the pen, and leaped down to the feast. When he thought of *retiring*, however, it became apparent that the peculiar construction of the edifice, which had so much facilitated his entrance, made his exit an impossibility. In fact he was placed in a situation very unpleasantly similar to that of the rat which, after having without difficulty squeezed through the cozy little wire tunnel of a trap from the

* An American word, signifying rough pieces of timber, (ten or twelve feet in length,) split from the chestnut or other trees.—*Webster's Dic.*

outer and wider end, finds that he cannot get back though he attempt it at the risk of being impaled on the sharp points that bristle around the opening. The dog, recognizing the approach of a human form, wags his tail, and peeps imploringly through the bars of his prison. But Caleb Schrowder's heart had at that moment no room for pity. He even mocks the unfortunate captive.

"Ho! ho! you beauty. So you want to get out and play with my sheep! Why don't you go, then? Make a good jump and be off! He's a snug fellow, too, that's a fact—most as big as my Carlo. But, fine and nice as he is, he must make up his mind to die."

The muzzle of the gun was thrust between the rails; then followed a loud report and with it a piteous howl. A few seconds after there was a dead silence. Schrowder climbed over to examine the prey. "What's this?" he exclaimed suddenly, as he turned over the body of the dog. "A collar and piece of chain—hanged if it isn't! But bless my life if here aint too the very identical strop I put on Carlo this evening! There's the holes—le' me see—one, two, three, four. I wonder if I can find the wooden key—yes, here it is—and *haven't* I made a reg'lar nice job of it? This is Carlo sure as preachin'!"

The only effect produced upon Schrowder by his mistake, was to make him pursue animals of the dog kind with a tenfold more vindictive hate. Night after night he willingly lost his rest to make frequent visits to the pen, while he devoted the earliest hour of morning to the burial of the gory dead. At length, emboldened by impunity in slaughter, he kept his trap set by day also, and scrupled not, when opportunity offered, to expend his powder and shot as freely in broad sunlight as if darkness enveloped the slayer and the slain. The traveller who passed along the thicket behind which the fatal pen was concealed, closed mouth and nostril, wondering whether all the ailing beasts of the neighborhood used to come there to die. If, perchance, a favorite spaniel trotted at the horse's heels he would stop on snuffing the grateful odor, and leaping the fence would run to subject the savory repast to the test of tooth. The unaccountable mortality that was sweeping

off the dogs began to excite remark. One man had it to declare that six of his hounds had disappeared in a single night, others who had suffered smaller losses were disposed to make an equal outcry.

Ripley Dair owned a dog, a sagacious and handsome fellow, who was valued by his master higher than the best hundred acres the county could show; and Dair had cause to admire and cherish him, for that faithful brute had saved the life of his only daughter. The little girl, also, loved the dog, and wanted no other protector nor companion as she rode daily to school. This dog shared the fate of others who had experienced Schrowder's tender mercies. Ripley Dair made searching inquiries, and soon learned enough to satisfy him that the responsibility lay amongst the New York settlers on the Hardwater. He sought not more particular information. He would as soon have made distinction in a nest of rattlesnakes as have wasted time in nicely measuring the proportion of detestation severally merited by a Dubosk, a Newlove, or a Schrowder. His rage was thoroughly aroused, and he determined that the whole brood should feel it.

When there was such a spirit as 'Game Cock Rip' to lead the way, it was not hard to find followers. Hundreds joined in wishing discomfiture and expulsion to the Yankees. It was dangerous for a population like that, to be in such a mood. The instant they ceased to feel a restraining sense of justice, there was no power which could control them.

That a storm was about to burst was now evident to the dullest apprehensions. Schrowder experienced no little trepidation when he became aware of the position into which his follies had drawn him. It was curious to observe the change in his demeanor. Not a word dared he now breathe to the disparagement of Southerners or of any of their institutions. On one occasion indeed when he heard a most contemptuous epithet applied to a "complete built" Northern plough which had been left for exhibition at Munny's store, his lips were observed to move convulsively, and the practised eye of a deaf-mute might perhaps, have read the indignant response, but no ear was so finely strung as to detect an articulate sound. In the same degree that he learned to cringe to those whom he

had formerly despised, did he become insolent and reproachful towards his associates. He railed bitterly against Miss Newlove.

"But for that piece of handwriting," he said, "which she writ and wanted to make pass for something prettier than it was, we shouldn't a been in this teetery fix. I don't like these smart gals, they are always takin' the wrong ox by the horns. It's a confounded shame that with those slim potato-sprout fingers of her'n she should be able to pull down the barn on the whole lot of us! I wish a hog had snapped 'em off afore the school-mister showed her how to write other people's names!"

But what were poor Emma's own feelings? How could that timid and sensitive girl who had always shrunk, even from the indulgent observation of friends, endure the consciousness that she had become the object of universal scorn and abhorrence? If she herself had been told a month before what a trial awaited her, she could not have believed herself capable of surviving it. But there were latent powers in her nature, which would never have been recognised, had not the occasion arisen which demanded their exertion. It is a cause for gratitude that Providence, all of whose dispensations are merciful, oftentimes keeps us in ignorance of some of the strength which is bestowed, lest the knowledge of the gift should only prove a continual torture by reminding us of future pain against which that strength is destined to support us.

Emma, frail and delicate though she was, did not sink beneath her burden. Even the subdued murmur which fell with fearful distinctness upon her ears, and gave warning that personal danger approached, might startle, but could not appal. The blood which left her cheek only retired, like a courageous garrison, to the citadel, to strengthen and animate her heart. Her father implored her to abandon Redland and return to the northern home, whose shelter his persuasions had so unfortunately induced her to leave. "How much better," he exclaimed, "even to lose all that we have invested here, than to endure one moment longer this horrid suspense! Great as this loss is, it will not leave you poor. Enough will remain for our support

and a little, moreover, for charity. Let us go then at once."

"Do not talk of it, dear father. Would you really have me fly to New York like a felon, and crouching under the brand of dishonor? Could you bear to be pointed at as the parent of a self-convicted forger?"

"But Emma, Emma, our enemies are too strong for us. By remaining we only put ourselves more and more in their power. Do you know that they even threaten an *indictment*? Think of being arraigned as a criminal, of being dragged into Court, of being exposed to public gaze and finally of being tried by a jury selected out of the creatures of John Astiville!"

Emma trembled, but her fortitude did not desert her. "I will do and suffer anything," she said, "rather than seem to acknowledge by my conduct, the justice of this foul accusation. There is law even here, I trust, to distinguish innocence from guilt?"

"Yet," replied the father, "what matters law or innocence, if you have no advocate? Somers, it is clear, has taken us at our word, and seems resolved to shun us henceforward as if we had the plague, and I don't wonder at it. He sees that he cannot be our friend without incurring the hatred of everybody else. It is very natural that he should seize the first decent opportunity to get rid of us?"

"Perhaps it is natural," said Emma with an involuntary sigh, "Yet, I confess, I did not quite expect that Mr. Somers would leave us without a single word of farewell. It might become others to act so, but I thought *him* more kind and liberal. I would not ask him to return to his engagement—we have no right to ask him—if he would but show a little sympathy, I should be content. He cannot but know how desolate we are; he sees that all the world condemn and hate us, and his heart should tell him how precious in such circumstances is the sight of a friend."

"Friend, Emma? How you talk. Mr. Somers was but our *lawyer*."

"And was he then nothing more?" she murmured sadly.

"Well, so let it be," she added, recovering her self-possession, "let him forsake us if he will; let him find happiness

while we are overwhelmed with distress. I will not be sorry that he owes his escape to our free act. If he has now become cold and thankless, we should remember that he once made a sacrifice in our behalf."

"Whom will you take in his place," said Mr. Newlove.—"Mallefax?"

"No. Never."

"Then, Emma, be advised by me and go back to New York."

"No, father—not till I stand free from reproach in the eyes of all. Mr. Somers though he now avoid us as polluted, shall learn to recognise us as pure and clear of blame. He may think us crushed and helpless, he shall see that we can arise from the dust without his aid."

Emma Newlove, thus distinctly aware of her situation, and too well acquainted with the character of her father to expect the least support from him, sought no other counsellor than her own resolute will. Hearing of the complaints of Schrowder, who, in truth, felt no delicate scruples about uttering his mind in her very presence, she invited him and Ralph Dubosk to call on her together, at her father's house. They came punctually; and she addressed the former thus:

"Mr. Schrowder, I am informed that you are dissatisfied with your present farm, what do you value it at?"

"Well," he replied, "You know it cost eight dollars an acre and I've put five hundred dollars' improvement on it. Still its vally has dropped considerable sence I bought it. Nobody would be anxious to take it after these law fussifications, especially that article with relation to the survey which folks are very bold to call forged. Of course I don't wish to give in that argument exactly, as you are from the North, and never before behaved anyways unbecomin' that I h'ard of—though I won't make out but what I'm *jubious*——"

"You need not say anything more about that just now, Mr. Schrowder,—you have a thousand acres for which you paid eight thousand dollars. Now, if you are disposed to sell, I will take the tract off your hands, and give you nine thousand."

"The mischief you say? What's put you up to this so sudden? May be the title's all built up square at last—ch?—is that it now?"

"No sir. I have learnt nothing new respecting the title. The motive of my offer is simply this: it seems to be supposed that a paper which I was instrumental in having introduced as evidence, has had an injurious effect upon the cause. Now, I am unwilling that any one should suffer by my error, if you will sell your land I will buy it."

"Sure now!—that's queer—dog my cats if it aint! But if you choose to take wild notions, I might as well profit by 'em as any body else. So here's my hand, and it's a bargain."

Miss Newlove turned to the sturdy form of Ralph Dubosk, and said, "You also, sir, have a thousand acres, for which I am ready to give the same sum that I have offered Mr. Schrowder—will you take it?"

"No—not I!" replied Dubosk emphatically, "If any body else was to say he'd give me nine thousand dollars for the lot I don't deny I'd jump at it very quick, but I wont from *you*. People may wear their throats out in talking of forgery and all that nonsense, I don't believe a word of it. Accidents may happen in the best of families, and so its like enough some mistake has been made, but as to anything worse being done—by *you*, Miss Emma, at any rate—I'll maintain, in the biggest man's face that it's an out and out *lie*."

"I thank you Mr. Dubosk. I am glad there is one person who does not think I deserve a cell in the penitentiary. Still sir, do not hesitate to accept my offer if you believe it for your advantage. I am quite willing to assume all the risk of the suit."

"I don't care if you are ever so willing," answered the farmer, "It takes two to make a bargain and I sh'nt be one of them. Ralph Dubosk is no very great shakes to be sure, but he'll never be the person to back out and leave the whole scrape on his partner. Whether the suit is to be lost or won, I'm in for it along with you."

"But you ought to consider, Ralph," remarked Schrowder, "that you can't stand the losing part of the business, altogether so well as the Madam here."

"That may be," replied Dubosk, "I know this piece of land is about all I'm worth in the world—but what then? If I lose it, I can start again, just as I did when the old man turned me adrift at the first, with only eight shillings in my pocket. The

world owes me a living, and I'll find a way to get it, you may depend. Humph! what if Miss Emma be rich—is that a reason why I should hang back like a balky horse? If a man's scarce of money he ought to make it up in spunk."

"You will not let me buy you out then?" said Miss Newlove.

"By no means—I have a particular reason for hanging on to my part of the land. It's pretty nearly the exact piece that old Astiville lays claim to for his own. I have a much lower opinion of him than of Mr. Everlyn, and want no better fun than to have him waste his curses on me."

"You may choose what kind of sport you please Ralph," said Schrowder, "but for my part I'm willing to leave you alone in your glory, as the Scriptur' says. When will you be ready to fork over, Miss, and give me the dockyments to sign?"

"Very soon, sir,—I will send you notice at the day."

Dubosk and Schrowder now withdrew, each being highly pleased with himself and each entertaining a thorough contempt for his companion. Which of the pair had best right to his complacency, the reader is at liberty to pronounce according to his own disposition.

Though Emma would have blushed to own it, there was no other circumstance which gave her so much pain as the determined silence of Somers. Her admiration of the lawyer had led her unconsciously to regard him with a warmer feeling. Love in a nature like hers, wears so equivocal a guise, that it is not surprising that both she herself and Somers should be unaware of its existence. We see nothing of that strong and vehement passion which subjects the whole soul to its imperious sway. The habitual gentleness of manner which flows from a kind and sympathising heart, becomes the expression of a tenderer sentiment, but so gradual is the transformation that we mark not one of its stages.

Charity, that spiritual and heavenly maiden, has given place to animate and glowing Love; yet so fair was the first vision that our eyes will not believe that it has faded away, and mistake the sisterly likeness of the substitute for identity.

It was Emma's principle, as it was her temper, to look upon the whole world with kindness, and she thought it no harm that Richard Somers was included within the comprehensive circle of her affection. She knew or conjectured that Somers' heart was engaged by Miss Everlyn. It is an axiom in sentimental metaphysics that love is always jealous; yet *Emma* was not jealous. If any one takes upon him to infer from thence that she was not *in love*, it is insisted he straightway may devise a new term to denote her attachment. It may be rare to see an union of selfishness and simplicity; such a rare and nondescript creature was Emma Newlove. She wished all persons to be happy—Sidney Everlyn among them; and if that young lady's happiness depended on an indissoluble connection with Somers, she hoped sincerely that no obstacle would occur to prevent the wedding. Nothing, however, is more tiresome than to plod through the details of an analysis; let us jump at a venture to the conclusion. We know that the passion, Love, does not exist in Heaven, while it is a very prevalent disease on earth; Emma, in consideration of possessing one or two of the qualities of an angel, could not indeed expect entire exemption from this, or any other, condition of mortality; yet she was favored with the privilege of taking the universal distemper in the mildest form.

It was necessary to have a deed drawn for the conveyance of Schrowder's land. Emma saw no impropriety in applying for this purpose to Somers, as he might easily perform so simple and silent an act of business, without involving himself in the suit. A note was accordingly written.

(To be continued.)

CUBA.*

A BOOK professing, like that before us, to give authentic details of Cuba, the queen of the American islands, can scarcely fail to awaken the curiosity of the reading public.

Making little pretension as a literary work, it is rather a representation of alleged facts; and invites an abstract more than a criticism.

To the mercantile, the agricultural, and the manufacturing classes, to the philosopher, the politician, and the philanthropist, the subject opens matter of deep interest; and fully impressed with its importance as the author appears to be, he is likely to acquit himself satisfactorily.

The main object of the volume is to show the political expediency of the annexation of Cuba to the United States. To this end, after deducing, from a variety of facts, the probability of the Spanish yoke being speedily thrown off, the author goes on to show how, in that event, Cuba must either remain independent, come under the protection of England, or join herself to the United States. The first he sets aside as being evidently less advantageous to the Cubans than either of the others; and by her geographical relations, he shows the value of a connexion with her to either England or the United States; and especially to us, as a point of defence in war, and a source of wealth in peace. He represents the impossibility of our permitting England to "erect a Gibraltar at the portals of the American sea;" and lastly, admitting the unlawfulness of interference between Spain and her colony, suggests, as a method satisfactory to all parties, the purchase of the island by the United States.

The various arguments of our author tending to this central point, are brought from a circle of interesting, political, social, and domestic narrations, happily illustrating the position, feelings, resources, and prospects of the Cubans. It is these illustrations, apart from political question, which chiefly furnish material for our present article.

The position alone of Cuba, renders her, under any circumstances, an object of interest. Whether we look back over three centuries, to when Columbus first beheld her beautiful shores, and the lofty summits of Portobello and Cobre, rising, like beacons of safety and promise through the dreary uncertainties before him; or view her as she stands now, clothed with increased importance as the acknowledged "Bulwark of the Mexican Gulf,"—the sentinel of the American sea,—commanding, in the hands of whosoever may possess her, "the great highway to Mexico and South America, to Oregon, California, and the Pacific." Whether we bring to our imaginations the gentle and generous aborigines, whose hospitable courtesies welcomed the adventurous stranger to their shores, or mark where luxury, vice, and oppression walk, hand in hand, over the birth-right of the timorous creole, there is always something to excite curiosity and command attention; and as we pursue the minute details of our author we scarce know whether most to admire the beauty of the fair "queen of the Antilles," or to lament the degradation of her fetters.

With the first culture of sugar and tobacco in the island, the indolent aborigines being incapable of the labor, slavery was almost simultaneously introduced. Many

**Cuba and the Cubans.* Comprising a History of the Island of Cuba. By the Author of "LETTERS FROM CUBA." With an Appendix containing Important Statistics. New York: Samuel Hueston, 139 Nassua St. George P. Putnam, 155 Broadway. 1850.

of the Spanish inhabitants of Jamaica removed, after its conquest by the English, to Cuba. An attempt was made on Havana about the same time; which, say the Spanish authorities, failed on account of a miracle performed in their favor by the land crabs and fire flies, the noise and light of which, mistaken for an enemy in ambuscade, caused the English to retreat with disorderly haste to their ships. The invasion of 1762 was more successful; and the island was conquered, but restored to Spain by the treaty of peace; which restoration is said to be regarded by the native writers as the true era whence the aggrandisement and prosperity of Cuba is to be dated. The captains-general who succeeded each other, at intervals of four years, during the thirty which followed this period, were men of energy and judgment; and the administration of Don Louis de las Casas, the founder of the "Patriotic Society," is represented as a brilliant epoch in the history of the island.

The French revolution produced commotions, rendering the office of captain-general every year of greater responsibility. As the need of talent, honor, discretion, and humanity increased, the more difficult it became to find officers of superior worth. To such the office grew repugnant. The political changes made by the Spanish Government, and the jealous policy which came to dictate their despotic measures, caused it to fall, at length, into most incapable and polluted hands.

There was not, until the last twenty years, any serious precedent, or open effort, to justify a difference between the political rights of Cubans, and of Spaniards on the soil of Cuba. At the commencement of the nineteenth century the government of Spain over Cuba was liberal, and the Cubans, in return, were loyal; but the changes adopted in the mother country affected similarly her colony; and the sudden passage from an absolute to a republican government, producing infidelity, served only to tear the veil of decency from the debased and corrupt state of society.

In 1820, a period of peculiar difficulty from the events which took place on the Peninsula, the office of Captain General was held by Cagigal, a man of great prudence and delicacy, whose affability of

manners conciliated all parties, and caused him to be held in high estimation.

In 1823 the command was held by General Vives, afterwards raised to the dignity of Conde de Cuba, under whose auspices the temple was erected, on the *Plaza des Armes* of the Havana, on the very spot where, according to tradition, the first christian rite was performed in the New World. The temple is now opened only once a year,—on the anniversary of the day that mass was first said there in the presence of Columbus.

General Vives, after the restoration of Ferdinand, desirous of impressing the constitutional party with the idea that they might be carried farther than they meant to go, made it appear that a plan had been devised for throwing off the Spanish yoke. The royal order of 1825, investing the Captain General, with *the whole extent of power granted to the governors of besieged towns*, brought upon the island all its subsequent misfortunes. At that time the country was in its most flourishing and healthy period; and rapid, indeed, must have been the encroachment of despotism to bring it to the present state, as represented by our author.

After Vives the notorious Tacon came into office, and set the example of that mean and tyrannical administration, so closely followed by the unprincipled O'Donnell and others; and which, more than any other, promoted and aided the abuses that brought the island to its present condition.

Geronimo Valdez forms a noble exception. "Valdez had the courage and honesty to issue, during his short command, upwards of a thousand grants of freedom, illegally withheld by his predecessors, from so many Africans, who, according to the treaty, had become free. He left the palace of the Captains General of Cuba in the same high-minded poverty in which he had entered it."

It was through the influence of Tacon, whose noblest exploits were to expatriate, vex, and imprison the citizens, that the Spanish Cortez, in 1836, shut their doors, for the first time, against American representatives; the deputies of the island being obliged to return to Madrid without the privilege of uttering their grievances. "And this," says our author, "was the

single, but serious act of usurpation, which robbed the descendants of the island's conquerors of all interference in its administration and tributary system."

During, and since the time of Tacon, the seizure and immediate deportation of persons of respectability and distinction, have been of common occurrence, without a hearing of the party accused, and without any opportunity of defence being granted,—and this for the slightest possible causes of offence; often without any cause whatever.

"Within a period of little more than eighteen months about 200 persons were deported, and about 700 banished for life, from the island, by Tacon," while in the dungeons were lodged nearly 600 persons, the cause of whose detention nobody knew!

Through the agency of the intendant, Count de Villanueva, Tacon was finally removed; but Villanueva's ambition procured an addenda, by which the rights of the Cubans were sacrificed, it being agreed that no political assembly, or any rights whatever, should be allowed them. This discreditable compromise, we are told, was the undoubted origin of the immediate discontent and subsequent rapid adoption of the principle of annexation through the island.

It is, doubtless, a difficult task to manage, under any circumstances, a slave country. In the case of Cuba it was especially so. Individuals, recently arrived from Spain, could neither perceive nor understand the characters and feelings of the blacks, and were, consequently, unable to comprehend, or believe, in the probability of the coming storm, which judicious planters had so long foreseen.

A most "ominous policy," inasmuch as it fostered the dissatisfaction of the blacks, was that which consisted in placing the lives and property of the inhabitants of Cuba in such danger, as to choke any resentment respecting the political changes adopted by the Spanish Government for the exclusive benefit of the metropolitan community.

By degrees the bonds between master and slave were severed, and "not the slightest attempt at moral reform softened the harsh features and discordant views of the subjected, or of the dominant race."

It is related that, subsequently to the

last bloody insurrection of November, 1843, particulars of a plan of devastation and bloodshed were accidentally learned; one of the immediate results of which was a meeting of the planters, called in the city of Matanzas; wherein a committee was named to propose a report, which report not being favorable to the views of government, the planters were not allowed to meet again, and the military government went through those difficult circumstances, guided by its own incompetent intelligence, or by the suggestions of the ignorant. Supposing that the conspiracy formed by the blacks comprehended every individual of that class, those who would, or could reveal nothing were marked as most criminal; and the same means were authorized to be employed with the free, colored population:

"The officers, thus raised by a power above the laws, and above the dominical right of the owners of slaves, with a very few exceptions, exercised their authority in a manner the most sordid, brutal, and sanguinary."

Many of the cruelties practised upon the unfortunate Cubans by these officers who were, says our author, "at once attorney, judges, and executioners," are of too revolting a character to be dwelt upon; some few, however, not among the most sanguinary, may be quoted as illustrative of their power and the helplessness of their victims.

Under the indictments of Don Juan Costa, ninety-six died beneath the lash, of whom forty-two were freemen and fifty-four were slaves.

At a place called Soto Farm, several freemen were butchered and their deaths represented by certificates from physicians as having been caused by diarrhoea.

Affidavits were extorted from negroes criminating their masters, one of whom apprised by his *econome* or administrator, that he was a lost man, but that the fiscal would save him provided he paid two hundred ounces of gold.

Don Leon Dulraides, when any of those for whom he demanded punishment were freed by the council, was in the habit while the sentence was being read, of extorting money from such as were saved from death:

"Don Jose del Peso punished a negro one hundred and ten years old, who died at the Matanzas jail. Don Francisco Illas, the enlightened and humane fiscal officer, who ap-

pears among those of his class as if to redeem the Spanish name from the dark stain brought upon it by his associate, was called to certify to the death of this old man; but he drew back horror-struck from the spot when he beheld a man so worn by age, having his body cut into pieces by the pitiless lash. The unfortunate victim had complained of the fiscal Peso, accusing him of stealing from him forty-five dollars. Del Peso, after inflicting severe punishment, found sport in hanging the accused victims on a tree, and then cutting the ropes to see them fall to the ground in bunches. He had been a journeyman tailor at Havana."

Three honorable exceptions alone, Mendoza, Arango, and Illas, are made to the set of miscreants, whose enormities disfigure this page of history.

In order to afford a right estimate of the trust placed in the hands of these agents of military justice, our author thus states the nature of their duties:

"They had separately the jurisdiction of a tribunal, with power to imprison and call before them whomsoever they would interrogate. The testimony which they obtained was received privately, no one being present except the fiscal and the witness. The fiscal would write down and sign the declaration, the blacks and the majority of witnesses knowing neither how to read nor write. Not even the notary, who is required to be present at the affidavits before the ordinary tribunals, appeared on these occasions to check the arbitrary, malicious, or blind impressions of the fiscal. Officers of the army were named to act as counsel for the individuals indicted, whether colored or white, free or bondsmen. These counselors, incapable through lack of talent or learning, were not allowed to read the proceedings regarding the persons whom they were to defend. All the instruction they had must be derived from a hasty and general abstract of facts made by the same fiscal, whose last duty was to demand the sentence which, in his opinion, should be imposed on the criminal."

With regard to the truth of the conspiracy, it is remarked that a general opinion is fast gaining ground at the present day, that it never existed. Our author considers it more likely to have been in its infancy, and that when the avenging storm was heard from afar it increased the number of the discontented, who, through despair, prepared for some last acts of devastation and blood. He suggests the painful reflection that while foreigners after long delay, obtained a hearing of their cases, and

after being paraded through the country, tied hand and foot on horseback, and kept in a filthy dungeon, were declared innocent, the white Creoles, who had been imprisoned with equal injustice, remained still incarcerated, and their cases undecided, because they had no consul to claim for them the rights of civilized man.

After dwelling thus long upon these degradations, we find relief in turning to a chapter containing many charming sketches of scenery, customs and character.

In quotations from a volume entitled "*NOTES ON CUBA, by a Physician*," the beauty and fertility of the island are enthusiastically enlarged upon;—its well stocked farms and luxurious plantations, its fields of plaintains, its palms, sugar canes, almond and orange groves, and its mountains crowned with luxuriant growth. The Ceiba and the Jaguey, the latter adopted by the poets of Cuba as the emblem of ingratitude, are picturesquely described:

"Soon after entering a coffee estate, I passed by one of those giants of a tropical forest, a powerful ceiba, with its large, tall trunk fixed to the soil by huge braces projecting from it in different directions, and rising branchless and erect sixty feet, where it threw out immense horizontal arms of massive timber. The extremities of these only were subdivided into branches and twigs, which covered by foliage, formed an umbrella-shaped canopy over the whole. But although themselves free from leaves, these stout arms supported on their broad surfaces a luxuriant garden of air-plants. There were the wild-pines in close set hedges, with gutter-shaped leaves and cup-like cavities filled with the condensed dews of night, serving as cisterns for the winged tribes during the long drought of winter. Other species in branches of strings hung pendent or in fan-like shapes spread close to their foster-parent; while some, as the night-blooming ceres, with hairy coats, like long creeping insects, clung to the sides and undersurfaces of the branches, or wound around the trunk itself. Nor was this garden devoid of beauty. A partial glimpse could here and there be had of flowers of the brightest scarlet, of the richest brown, and of a delicate pink, exciting vain longings in the beholder to explore their aerial beds. Not far from this tree was another as large, inclosed in the deadly embraces of the *jaguey marchio*, it was a mortal struggle for mastery between the two giants; but how powerful soever had been the *ceiba*, it was evident from the size of the other, the multiplied folds of its foster-parent, and its luxuriant branches and foliage already overtopping it, that the victory

would soon belong to the parasite. Near was a jaguey-marcho standing alone; the death of its victim had long been effected; and it pompously raised its distorted trunk, and spread its irregular foliage where once before its noble looking parent had stood in all its beauty."

Many other graphic and comic descriptions are given by the same author :

"Slowly promenading under the porches of the houses, I could not refrain from occasionally peeping into the parlors and chambers as I passed their large iron-grated windows. But the inmates were all up, and although now and then a fair senora might be seen in dishabille, the whole household was generally engaged in the duties of the day, for the creole is always an early riser. Several were engaged in sweeping the pavements; others were clustered around the milkman's cow, which had been brought to their doors, and were waiting their turn to have their pitchers filled from the slow stream; while a calf tied just without tasting distance looked piteously on, and at times showed signs of impatience, as he saw his morning meal borne off. When all had been supplied, he was muzzled, and his halter tied to the extremity of the cow's tail. One rush to the bag was tried, but the cruel netting frustrated all attempts to taste the bland fluid, and the poor animal quietly followed in the rear as the man drove his cow to the houses of his other customers.

"At other doors the malojero was counting out his small bundles of green fodder, each containing a dozen stalks of Indian corn, with the leaves and tassels attached, the common daily food of the horse. On their pack-horses were bundles of small-sized sugar-cane, neatly trimmed and cut into short pieces, and selected small on account of their superior richness, offering to the creole a grateful refreshment during the heat of the noon. Others carried large matted panniers slung over their clumsy straw saddles, filled with fine ripe oranges, the favorite and healthy morning repast of the native and the stranger, the well and the invalid. As the day progressed, mounted monteros were seen galloping through the streets, just arrived from their farms; each with his loose shirt worn over his pantaloons, its tail fluttering in the breeze, while his long sword, lashed to his waist by a handkerchief, dangled at his back. Then there was the heavy cart laden with sugar, for the railroad depot, drawn by eight strong oxen, the front pair some twenty feet in advance of the rest, its freight of boxes bound down firmly with cords, and covered with raw hides. By its side the driver stalked, dressed in a loose shirt and trowsers, which once may have been white, but now closely resembled the soil in their hue, and a high-peaked straw hat, with a wide rim, on his

head. He held in his hand a long pole, armed with a goad, with which he urged forward his slow moving team, often striking the sharp nail at its extremity repeatedly into the flank of an ox, until the poor animal, in his endeavors to escape, seemed to drag the whole load by his sole strength.

"The arriero with his pack-horses, eight or a dozen in number, was also urging them on by his voice and the occasional crack of his whip, while they staggered under their heavy loads of charcoal, kegs of molasses, or aguar-diente (rum), and the halter of each being tied to the extremity of the tail of the horse before, moved in single files, carefully picking their way. Suddenly one of the hindmost would stop to survey the path, when there would be such a general stretching of tails that bid fair to leave some of them in the state of Tam O'Shanter's mare after her hard-won race. The whip of the arriero would, however, soon remove the difficulty, and the long line would again move forward."

Of the climate and atmosphere of Cuba, of the soft cool evening breezes, the delicious fragrance of the early dawn, the clear ringing of the human voice through the morning air, it is said no adequate idea can be given to one who has never enjoyed them.

The rainy season is well described :

"For several consecutive days, the whole panoply of the heavens was, each noon, hidden by the heavy masses of clouds rapidly formed on the horizon, and over head presenting in their storm-like appearance a strong contrast by the clear blue of the noon's unclouded sky. About two o'clock began the gathering to one broad focus: and the black thunder-cloud, condensing in its frigid bosom the ascending vapors, and blending with its own immense mass the smaller ones in its course, with gathered and still increasing power, rose majestically against the opposing verge: its jagged edges apparently resting on the hills, and its pendent centre threatening destruction to all beneath. Then came the deep calm; and each leaf was motionless, while the scuds above rushed madly together, and curled and intermingled as if in fierce contest. And now the sudden blast burst through the still air, and the stout tree groaned and the tender plant lay prostrate beneath its power. The long pliant leaves of the tall palm, like streamers, fluttered in the rushing wind; the frail plantain's broad tender foliage was lashed into shreds; the umbrageous alleys of mangoes waved their long lines of dense verdure, and all nature did homage to the storm-spirit; all but the powerful ceiba, whose giant trunk bended not, and whose

massive arms and close-set foliage defied its utmost wrath; amid the turmoil it stood unmoved, a perfect picture of conscious strength. But the whole scene was soon hid by the torrents of rain that fell from the overcharged clouds. The atmosphere seemed converted into a mass of rushing waters; and mingled with its rattling gusts, was the lengthened crash and reverberating roar of the more distant thunder and the sharp shot-like report of that close by; while vivid streams and broad flashes of lightning played rapidly through the aqueous shroud. In less than an hour the storm had passed by, but fresh masses of clouds rose from different quarters, and their circumscribed showers often fell heavily within a few hundred yards, while near by not a drop descended."

The Creole, or *monteros* is represented as a finished orator, graceful in his action and in his expression, and so animated in speaking and full of motion, that one ignorant of his language could almost guess the drift of his conversation by his pantomime. The cringing deference of the oppressed Creole to the swaggering Spanish official is remarkable, and several amusing anecdotes are given illustrative of it.

The monotonous life of the Cuban ladies produces nervous disease. Their occupation consists solely of embroidery and shopping, and their evenings are given to places of amusement, yet even allowing that there is some truth in the general belief that the outward decorum of the better and upper class, is to a great degree merely in appearance, our author professes to have found in no part of the world more devoted wives and mothers than in Cuba. "There are few indeed," he says, "who would be capable of teaching their sons to become great men; but their deep abiding love, untiring care and devotion, many a Northern mother who never allows a new publication to escape her, and who laments in elegant English the ignorance of the Cuban ladies, may, with advantage to her own nursery, emulate."

The description of children,—of little girls of three years old, dressed in the extreme of fashion, "opening and shutting their fans with perfect incipient coquetry," and of "funny little men manufactured at five or six years, after the toilette of a Parisian exquisite" does not strike us with so much surprise as it might have done some years ago, before our own streets were

thronged with miniature dandies, gloved and booted, and equipped with a cane.

All that we hear of gallantry and love in Cuba, is, according to our author, the former alone; the sentiment or holiness, which should hallow the union of hearts, being almost unknown. Wives are represented as degenerating into household drudges, scolding their servants and petting their children all day, and sitting at night in their luxurious butaque, or easy chair, to play with their fans the use of which is often the only grace left them. This account however tallies ill with the former, and with the general descriptions of the indolent but elegant Creole lady:

"A creole girl before marriage is a beautiful object, graceful, gentle, and loving; but a creole woman after forty, is very generally quite the reverse. The ravages of time are never concealed; gray hairs are not considered worth adorning, and old age is made disgusting. Instead of the "nice old ladies" and elegant matrons of our American homes, we too often find in Cuba only fat scolds with voices loud enough to frighten a regiment of men into submission, and faces so brown, so wrinkled, and so ugly, and with so evident an absence of all feminine softness, that we listen in wonder when we are told that they have been the beauties of their day. Delicacy of habit, and even of feeling, are, in my opinion, smothered in their infancy by the constant association with negroes; the loud coarse laugh and low jests, they imbibe with their first milk from the same source; the habit of command and arrogance, also acquired in their childhood, appears in after life to destroy all tenderness of manner, and increase that harshness of voice so universally remarked upon by foreigners, and ascribed entirely to the effect of climate."

Again we have the following:

"Now that we are here, let us enter the opera-house, where we may, indeed, be surprised to see no external evidence of all this degrading tyranny. Elegantly dressed and polished men crowd the boxes and seats; while the beautiful repose of countenance and figure, characteristic of the ladies, are expressive of dignity and content, to say the least. Their noble outline of feature appears to great advantage in the retired light of an opera-box, while their full busts and rounded arms, contrast finely with the richly plaited dark hair, and simple white dress, rarely ornamented by more than a fall of soft lace or a natural flower; and one is tempted to overlook the

absence of intelligence and brightness in those magnificent eyes, in consideration of their almost bewildering depth and softness. The vivacity of the Spanish lady is lost in the creole; but in its stead, we find a charming gentleness very pleasing, and an amiability of manner absolutely captivating to the stranger. One dare not, however, raise the eye above the third tier of boxes, for there again are only met the depraved countenances and loose manners of the lower classes, unrestrained by either good taste or shame."

Our author while rejecting all the scandalous accounts given by foreigners of the immorality existing among women of "the better classes," considers that among the lower it is quite different,—that there indeed, the very meaning of the word virtue is lost, "which disgrace" he says, "with countless others, Cuba now flings back with reproaches upon the mother country." In towns and villages the people are declared to be sunk still lower in ignorance and immorality. Only a little romance remains among the country lovers:

"The Guagiro, with his wild, dark eye, wonderfully expressive gesture, and usually imperturbable self-possession, becomes ridiculously silent and shy in his courting. In a richly-worked shirt of fine linen, worn upon the outside as a sack; a long, and often elegantly embroidered cambric sash-fastening to his side, the silver-handled sword, or "machete," silver spurs, and low slippers, he will sit for hours opposite his lady-love, only venturing now and then a word of reproof, to be interpreted in affectionate playfulness, and to which she retorts in the same style; yet now and then, at a glance, and when unobserved, they do venture to exchange some very tender word. But gestures, shrugging of the shoulders, little dashing airs of coquetry in the lady, and bashful approaches on the part of the gallant, fill up the measure of the wooing of the Cuban peasant."

In regard to the "upstarts of the present military administration," the question arises, whether the Spanish gentlemen of by-gone days is not a character now altogether historical; in illustration of which we have the ridiculously coarse and vapid compliment of a young lawyer:

"Una flor," said he, picking a flower, and presenting it to the marchioness, "a flower that will appear as beautiful on you, as your beautiful gifts will in my purse."

Our author considers that many circumstances have conspired to efface the simple, but haughty and noble minded, Spanish gentlemen, both from the peninsula and from Cuban society, and in answer to his own query suggests, very reasonably, as a cause, the intermixture, in the best society, for the last half century, of men risen through party influence, especially from the Carlist ranks; the utter annihilation of that faith in his church which gave a serious cast to the natural dignity of the native Spaniard, and the mercenary motives which, from the throne, have penetrated down to the humblest cottages.

The following anecdote illustrates the manner in which wealthy bankrupts settle with their creditors:—

"To a foreigner, the object of the party assembled at the estate 'Santa Gertrudis,' which I had accidentally joined, would have appeared incongruous and extraordinary. The Marquis of Santa Gertrudis, through the reckless extravagance of his wife had become entangled in his affairs; and were it the practice for men of wealth to pay off their debts at once, he would very likely have become a bankrupt. This, however, is not the custom in Cuba; but such matters are managed on this wise. The creditors are assembled; yearly instalments are agreed upon; the extravagant living of the noble family is considered a necessary expenditure, and the majority, *usually made up of family or fictitious creditors*, force the rebellious claimants to lay down their arms, and enter into private compromises. The effect of this course is to set the family at ease; the lady returns to her habits of luxury; the sons to their dissipation; the daughters to their careless waste of finery; while they spend their time in love-sick fancies; the poor relations and parasite friends to their customary dependence on the old trunk, raised from the ground for a few more years; and the head of the family to fresh undertakings of new estates. And all this is carried out with as much indifference as if, in place of an extorted compromise from clamorous creditors, payment in full of every debt had been promptly made.

The lady who, on the occasion, had the management of this important domestic matter, was the daughter of the Count of M——. She belonged to what may be called the staunch nobility. Nature, and the teachings of her noble-minded parents, had made her a modest and virtuous woman. But the habits of her new home, and the circle surrounding her, were calculated to impair her superior qualities. The universal custom of the country, rather than indolence, influenced her, from

the very first years of her married life, to give into the hands of her slaves the nursing and early training of her children. The recollection of her father's home now and then directed her attention to books and foreign literature. But she found none to sympathize in such tastes; the ball-room, the 'sociedades,' the operas, her visits, the tedious and loquacious shoppings, the 'paseo,' the correspondence which she found it necessary to maintain with the country-estate clerks, and, what is more than all calculated to destroy the freshness of modesty and beauty, the gambling-table, to which she gradually became habituated, not only deprived her of time for more intellectual and domestic enjoyments, but destroyed her original taste for them. 'Mamma,' said her son, a boy of fourteen, dressed like a small gentleman, and with all the nonchalance and airs of a gallant, 'I don't know how you or papa are arranging your business with the creditors, but you must recollect that my own private property, now in your hands, must be so left that I may have all the necessary resources for living, and for my customary pleasures; and as to my carriage, I cannot give it up on any consideration, for, there is not one of my cousins who is without this convenience.' He went on at this rate, until the poor mother, conscious that she was reaping the fruits of her own errors and neglect, sighed in despondency. I must add, with pain, that this specimen of filial coldness and depravity is by no means the exception; the too fond and indulgent mothers, who are themselves the direct cause of such examples, are far more to be pitied than condemned. What teaching or light have they enjoyed to guide them in their incipient path when starting in life! The magistrate is corrupt, and his misconduct is the subject of every-day anecdotes and scandal; the minister of the gospel teaches neither by example nor from the pulpit; the husband has no idea of performing what would elsewhere be considered the most ordinary duties; the society is frivolous; books are looked upon with aversion; the press is an instrument of oppression; and the mainspring of civilization and civil liberty, faith in Christ, is unknown.

"In what able manner the marchioness succeeded in exciting the energy of her lawyer, by the offer of ample reward, what secret understanding went on between him and the intellectual Castilian judge, how each creditor was coaxed or frightened into acquiescence, I cannot say. I will only add, that some of them obtained favorable arrangements through the cunning arguments of the judge, which were the more ludicrous from contrast with his reasonings with other creditors, whom it was his policy to discourage in their claims. It was painful to see how poor neigh-

bors had to yield to these influences out of utter incapacity to counteract such disgraceful combinations."

The seeds of infidelity, scattered so widely at the close of the last century, are said to have been found in Cuba a more propitious soil than elsewhere; and while the gospel influence, counteracting their growth, has extended itself in other directions, this unhappy island still presents a dark picture of unbelief, corruption and immorality.

Twenty-five years ago, religious practices and feelings were more or less in every respectable Cuban family; the church bell at twilight; the *angelus*, or call to evening prayer—created, every where, a simultaneous excitement; children and servants, at its conclusion, asked a blessing from their parents and masters; carriages and passengers paused in the street, and workmen refrained from toil.

The Sabbath, formerly held in devotional reverence, is now scarcely attested by a brief mass, scandalously hurried through, and witnessed only by a very small portion of the inhabitants.

At church, "the ladies ply the telegraphic fan with the same airs of coquetry and playfulness as they may have done the evening before at the theatre, or as they will probably do the same evening at the opera."

With open doors and windows the shopkeepers and artisans pursue the employments of the week, and the gentry, the masters of estates, the officers of government, and even the priests themselves, exhibit the same indifference. The priests, of course, are not respected; and "as their conduct belies the doctrines they have sworn to propagate, they set themselves quietly down to enjoy the bodily comforts of this life, without troubling themselves at all about their own or their flock's spiritual welfare." However this may be, is there not assumption in the following sweeping and personal censure:

"This morning, the elegant-looking and lordly young Bishop of Havana, in his gorgeous robes and costly jewels, swept past me from the altar, amidst a train of ignorant and servile priests. Not one gleam of piety or grace could be discerned in his vain, worldly countenance—not one single mark or

sign to denote him a follower of the meek and lowly Jesus."

Although our author makes but few exceptions to the general profligacy of the priesthood, he does not consider the responsibility of this dreadful state of things to rest upon the Romish church or creed:

"It would be illiberal indeed to carry to so unjust a length those prejudices of Protestantism which are doubtless founded in reason, and which cannot but be stimulated to a great degree at the exhibition of Roman Catholicism in Cuba. Yet in the United States no one can deny that it is a very different institution, both in its spirit and its practice, from that which is presented to the eye of the most superficial observer in Cuba. The Church proper is not the responsible cause, but the corrupt political government which has invaded its domain, paralyzed all its good energies, corrupted its entire organization, and poisoned its very fountains of spiritual purity. The central military despotism, in the hands of the Spanish officials, clustered in and about the palace of the captain-general, may be said to have absorbed to itself the Church, with every other good institution possessed by the island in its better days. Its influence has been destroyed, its revenues and property, together with all the patronage of ecclesiastical appointments appropriated by the government. The nominations to all religious offices are made, directly or indirectly, by the creatures of the government; and given directly or indirectly to the creatures of the government. The very members of the chapter of the cathedral at Havana are now named at Madrid, in disregard of the canonical proposals from the board according to law. Day after day and year after year have been suffered to pass without an appointment to fill the long vacant bishopric of Havana, and thirty years have elapsed since the sacrament of confirmation, as it is termed by the Roman Catholics, has been administered in the several districts of the diocese, which should be regularly visited once a year."

This highly important subject is enlarged upon, and the Catholic clergy of the United States are called to speak out, and to unite with the Protestants in the desire to witness such a termination of the miserable condition of the Cuban community as is supposed must result from annexation.

In relation to education, the statistics presented in this work speak with a force that is not to be contravened. The official items referred to, exhibit truly a revolting picture.

The last published census, which ap-

pears to be that of 1841, gives a total population of 1,045,624, of which 571,129 are white inhabitants, free mulattoes and free blacks, 436,595 are mulatto and black slaves, and 88,000 transient inhabitants. The number of schools, according to the most recent and favorable accounts, amounted in all to 222, in which were instructed 9082 free children; of these 5325, it is stated, paid their schools; and 3757 only, were under gratuitous tuition; of the latter, 540 were supported by the branches of the "Sociedad Patriótica" through personal subscription of the members, or voluntary taxation 2111 by local subscription, and 1106 gratuitously taught by the professors. From the above items, together with those found in Mr. Saco's "Parallel between the Spanish and British Colonies," the following comparison is drawn:—

| Number of children educated in proportion to the whole free population. | | | |
|---|---|----------|----|
| In the Bahama Islands, 1831, | 1 | to every | 16 |
| " St. Vincent's, . 1830, | 1 | " | 19 |
| " Jamaica, . . 1827, | 1 | " | 18 |
| " Antigua, . . 1830, | 1 | " | 5 |
| " St. Christopher's ——— | 1 | " | 11 |
| " Lower Canada, 1832, | 1 | " | 12 |
| " Nova Scotia, . 1832, | 1 | " | 10 |
| " Prince Edward's, 1832, | 1 | " | 14 |
| " Terra Nova, . 1834, | 1 | " | 8 |
| " Mauritius, . ——— | 1 | " | 11 |
| " Pres'cy of Madras 1834, | 1 | " | 5 |
| And the island of Cuba, ——— | 1 | " | 63 |

Our author next proceeds to an investigation of the general causes of complaint, by which he wishes the world to judge between the island and her rulers. He declares that the proposition laid down by the great English commentator in his division of rights into the right of personal liberty—the right of personal security—and the right of property, affords no benefit to the Cubans.

Many of the tyrannical acts of despotism, in the time of Tacon, have been, and are continued more or less frequently to the present time. Under pretence that it is necessary to keep the native inhabitants in a state of constant apprehension, in order to insure their continued allegiance, the government allows every kind of judicial enormity to be practised upon the helpless Creole, and he has no means of redress but through bribery.

Our author proceeds to an examination of the method of taxation now adopted in Cuba. A list, occupying several pages, is given, composed chiefly of the balance of different taxes. Much more is said of Cuban grievances generally. The press, under a servile censorship, is declared a weapon only wielded against the people. The Captains General now wield the judicial, the legislative, and executive power. The creoles are excluded from the army, the judiciary, the treasury, the customs, and from all influential or lucrative portions. In spite of the enormous tithe collected, it is only by subscriptions that the inhabitants can secure to themselves temples for worship, or cemeteries for their dead. For baptism, or burial, large additional sums are paid.

A citizen must obtain, and pay for a license to entertain company, or for any amusement at his house; also, for permission to leave his place of residence. He can neither walk the streets after ten at night, without leave, nor lodge a person at his house, without giving information, nor remove from one house to another. Parents are obliged to prove ill health, or feign it in their children, in order to procure passports for them to go to the United States, for purposes of education:

"A diabolical scheme, concocted in the chamber of Alcoy, exists for perpetuating the importation of African slaves into Cuba, the primordial cause of her present hazardous position.

"In that scheme enter not merely some members of the royal family of Spain, but all its dependents, favorites, and satellites, including the captains-general of Cuba, and their subordinates.

"The 'gratification' of half an ounce in gold, which was formerly received by the captains-general for every sack of charcoal (the nickname given by those engaged in this infamous traffic to the African slaves brought over), has risen to the large sum of three doubloons in gold.

"The colonial government and its confederates, not being able to elude the vigilance of the cruisers of the nations engaged in the suppression of this traffic, in order to continue the same, have had to appeal to a forced interpretation of existing treaties, pretending to show that such slaves are imported into Cuba from Brazil.

"These machinations are carried on by some members of the royal family in concert

with the colonial government; and the cabinet not only has full knowledge of the same, but authorizes and protects them, or, at least, winks at the practices.

"Within these last months various cargoes of African slaves, amounting in number to more than 3000, were imported into the island of Cuba, and there sold almost publicly; and in gratifications set apart for the captain-general, Senor Alcoy has already received the sum of 12,000 doubloons in gold—about 200,000 dollars."

Our author considers that Spain, being too weak much longer to hold her Cuban possessions, a blow will shortly be struck to achieve the island's independence; and goes on to show the reasons which, in his own estimation, make desirable the annexation of the Island with the United States. "Cuba," he says,—

"Standing like a warder in the entrance of the gulf of Mexico, yet stretching far to the east, so as to overlook and intercept any unfriendly demonstration upon either of the great thoroughfares to South America or the Pacific, is in a position to overawe the adjacent islands, and watch and defend all the outside approaches to the Isthmus routes to the Pacific, while it guards the portals of the vast inland sea, the reservoir of the Mississippi and Mexican trade, the rendezvous of California transit, and, what has not yet been duly heeded, the outlet of an immense though new-born mineral wealth, which is yet to control the metal markets of Christendom.

"In short, it makes the complete bulwark of the Mexican Gulf, and only leaves to it two gates; one between Cape Antonia, the western extremity of the island, and Cape Catoche, which advances from the coast of Yucatan to meet it, and forms a strait less than 100 miles wide; and the other between Hicacos, the most northern point of Cuba, and Cape Sable, the southern extremity of Florida, but a little more than 100 miles apart, and between which passes the "Old Channel" of the Bahamas.

"Half a dozen steamers would bridge with their cannon the narrow straits between Yucatan and the west point of Cuba, and between Florida and Matanzas on the north, and seal hermetically to every aggressive stranger the entire coast circle of the American Mediterranean. This simple geographical fact constitutes Cuba the key of the Gulf, and it would be felt if it passed into the grasp of a strong and jealous rival. England, firmly resting on Cuba, and with Jamaica and the Bahamas to flank her steam operations, would have full retreat and succor for her fleets, and

would be able at need to concentrate the force of an empire against the coasting trade. With such a firm and convenient cover as that island, with its self-defended coasts and secure harbors, she could face, Janus-like, in every direction. With Canada and the Bermudas—raised for that purpose into a strong naval station—opposite our centre on the Atlantic, and half way between those strong extremes, she would present a dangerous front to the whole northern coast, while she executed the bold threat of her minister, to 'shut up the Gulf of Mexico, cut in twain the commerce between it and the Atlantic states, and close the mouth of the Mississippi and its hundred tributaries to the trade and assistance of the shipping and manufacturing states.' But strike Cuba—the central and noblest jewel—from this diadem of power, and her broken circlet of American strongholds is no longer formidable.

England—controlling Cuba on the north as she claims to control the Mosquito shore on the south, and mistress of Balize on the west as she is of Jamaica on the east—would be the arbitress of the Caribbean Sea, even now almost her own, and well guarded by her long array of Leeward and Windward Islands from other intrusion.

From the moment Cuba becomes an integral portion of the United States, all the exactions and oppressions which now weigh so heavily upon it, will be at an end. The island would enter at once into the enjoyment of civil and religious liberty; and with her ports open to the commerce of the world—her inhabitants educated and religiously impressed—her soil cultivated to its full capability—her products sent to an unrestricted market—and under the influence of the moral and political force which are the vital elements of the American Constitution—she would become the most prosperous of the states.

"On the other hand, the advantages to be obtained by the United States by the annexation of Cuba are incalculable.

"If annexation was fully and freely established, Cuba would be as valuable to this confederacy as New York itself. As an outpost, vital to American trade and defence, and as a centre of transit and exchange, Cuba would grow in importance to the whole family of the confederation, in even measure with the growth of the states on the Pacific, and the rising tide of the oriental business which the flag of the Union is about to lead from Asia across the Isthmus. She lies exactly in track of the golden current, and none of the states are, like her, in a position to watch and defend every inlet and outlet.

"In the circle of production, essential to a home supply, always sure and independent of foreign interference, Cuba can fill nobly the remaining gap, with her coffee, cocoa, and tropical fruits. In this, too, she would serve all her sister states, for she would sell to every one, and buy of every one, which is not true of the special product of any other state. She would also add as much as the Union really needs of sugar lands, and would make that, henceforth, a strong and distinct feature in the national balance of interests."

Many other arguments were advanced, for which we refer the reader to the book. We have, perhaps, already trespassed too far in our extracts.

It strikes us that the deepest—we hope not the most incurable—of the evils of Cuba, is her infidelity. If she hopes to preserve the independence she would obtain, or whatever course she may be induced to adopt, as most conducive to her future welfare, one thing is paramount—the eradication of infidelity—otherwise she can maintain neither her liberty, nor her dignity.

"That People, which forgets God, forgets itself."

WESTERN PRAIRIES.

FEW know their beauty. Nature is hymned and talked of in a thousand shapes by poet and romancer; gay and smiling in rural loveliness, or wild in forest and wilderness. Her cheerfulness comes from the hand of man; his footstep is ever before us; and association mixes with simple natural beauty. Where man is not seen, it is then the sterile mountain tract, or primeval forest; grand, but austere and gloomy. The prairies, with the rivers that sparkle through them, shew nature in new moods; utter solitude without gloom, laughing scenes virgin to the plough and presence of man.

The streamlets that wander through these grassy oceans are skirted with timber five or six miles in width; their valleys are small prairies spotted with groves and miniature lakes; and the grassy bluffs on either side are sprinkled with branching oaks. These, scattered over dales, ravines and swelling uplands, the rivulets themselves sparkling over sands, now hidden from view in masses of tropic vegetation, now kissing the feet of the valley prairies, and again gleaming through vistas of beeches and wild graperies, produce successions of the most beautiful park-like scenery the world can shew. "I, too, lived in Arcady;" come with me to the skirts of one of these Western savannas, and let thy face and soul, carked by care, be smoothed by a day in prairie land.

Beautiful land! beautiful spring time! Warm winds bring northward odors of fresh earth and swelling buds. On the open prairie, cattle are grouped on the adjacent knolls, greeting the glad season. It is a day such as "Holy Master Herbert" sings of:—

"Sweet day, so warm, so calm, so bright,
The bridal of the earth and sky;
The dew shall weep thy fall to-night,
For thou must die."

VOL. V. NO. V. NEW SERIES.

Let us then mark it white in our calendar; let the patient four-footed drudges in the barn-yard enjoy it too, for surely it is God's holiday. The horses have crunched their last ear of yellow maize; the cattle have turned discontentedly from their sheaves of oats, for they have snuffed on the air the aroma of poplar buds in Southern forests; the gate is open, and away for a glorious gallop over the prairie sweeps the equine phalanx. The cattle seek the dales, and browse on the scented spray. And now, with stout legs under us, and gay hearts within, let us strike out into the wood-land. Over slopes well sodded with wild grass, dells sparkling with spring rills, through sheltered nooks where Spring first lavishes kisses, now threading thickets by paths made by wild deer, pausing at times under clumps of oaks where the bluejay sounds his alarum, and the woodpecker beats his tattoo, where the rabbit bounds from his form in the tuft of grass, and the quail rustles to its arched home in the hazel, we find ourself at last alone with Nature.

Cockneyism can find no knowledge but in the paths of man, and no antiquity but in the works of his hand. In the wilderness are whole libraries; volumes of classics which children can read; hieroglyphics unravelled by clod-hopper Champollions; old chronicles shaming Egyptian dynasties. The veil between us and God and nature is raised, and mesmerically we are filled with high truths. It is not poetical illusion, though that is no worse than matter-of-fact illusion; but actual intellectual perception. Around, beneath, within, floats the Unutterable Presence; and our hearts fill with the serene humility of children; a sense of repose, novel and strangely real, as far removed from joy as from grief, from satisfaction as from hope; a light neither gay, nor sad, nor sombre; we feel that we

walk in the shadow of a beneficent outstretched arm. Hand-in-hand with this lowliness of mood is an intense self-consciousness. God is before us, but around are our humble brethren of the inanimate creation; and man, the first of created things, in the wilderness steps a monarch. This feeling is real, it is psychological fact. As superiority of station among men gives sense of authority, so does man's natural dominion over the lower kingdoms. The Indian and the Arab have a dignity that civilized men often lack; and the frontiersman, uncouth in hunting-shirt and wolf-skin cap, is regal in his pride.

Gladly and cheerily, then, move onward. The tall dry spears of grass wave in our face; a deer starts up before us, wild-eyed, nostril-working, then up the wind he leaps, his white tail waving at each bound. And now we stand on the verge of the bluff; the beautiful little river stretching away right and left, its banks fringed with cotton-wood trees; between it and us, prairie covered with grass, winter killed, but now warm in the yellow sunbeams; here and there are spreading elms; at our feet a lakelet. Then down the steep sides, cling to the bushes, plunge through the hazel—the fires thin its wild growth, no hindrance is it. The grouse rise in myriads before us; a herd of deer, feeding in the distance, warily eye us, and we are as wild and glad and free as they. The river is before us, its smooth bosom covered with wild fowl, of all creatures the wildest and shyest of tyrant men. Loving solitudes, morasses where the foot of man dares not tread, pestilential fens where his frame withers and his strength leaves him, journeying and feeding by night, carrying beauty and love to desolate Northern lands, in their mystery they seem like feathered spirits. Let us creep on hands and knees to the bank and watch them at their play. Some dive after their finny prey, at this season their chief food; some sport in the limpid water, splashing and chasing, throwing diamond showers from their wing-tips; and others sit lazily on shore, dozing in the sun, with heads under their wings, or pluming their glossy coats. The little beach is white with their loose feathers. But they have spied us, and sound their warning. The timid teal dash with outcry down the stream; the wood duck, less wary, circles

for a moment with erected crest and half-raised wing, and then follows precipitate; the mallard rises at once towards the zenith, collects his squadrons, and sweeps wedge-like over our heads. Farther on, the wild goose and wild swan take flight, and with noise like thunder the whole feathered army darkens the sky.

And now forward over banks of washed pebbles thrown up by spring floods, among briar-rose vines in summer a waving roseate cloud, through clusters of "burning-bush" scarlet with flower-shaped berries, and we stand amid a fleet of patriarchal sycamores. Huge white trunks rise athwart the sky like masts in Eastern harbors. Hereditary homes for the little people of the woods, gentle but strong, walk silently and tenderly among these Titan brothers. Beyond is a grey forest, time-worn, Saturnian. In the heats of the year shun its gloom. Its sombre light drives off the Present, where man best dwells, and brings up the light of the Past, sad to all whether in light or shadow. But at this season the sun glimmers among the tree-tops, and warms the jagged bark of the trunks; above, flit gay birds, bright yellow, blue and scarlet, and white. In mid air, swing interlacing vines, their long cables towing below; and through all, the little river leaps and tumbles and sings. Here is a group of buckeyes, the wild horsechestnut. In a few weeks, when all around is still bare, these trees will be in leaf; a Rosicrucian summer in the arms of winter. Before us is a grove of maples; in the midst, fires and cauldrons. A settler family have "camped out" to gather their spring harvest. They know not that it is the genial spring that make their women and children sing like larks, the aged prattle, and the woods ring with the laughter of their stalwart men.

They greet us warmly; courteous and self-possessed, hearty but quiet, man meets man. These rough unwashed backwoodsmen, well-bred gentlemen are they. Vulgarity is no growth of the wilderness. They offer us bread "and sugar water." Rest and eat of the forest dainty.

Such is the young year in sunny Illinois. What words can tell its ripened fulness, the golden glory of autumn; when the wild ivy hangs skyward a flaming meteor, and trees and flowers and shrubs adorn them-

selves for the closing sacrifice of the seasons. The waters east back the glow, and robing all waves the autumn fire-mist.

As we emerge from the woodland, the eye accustomed to the sweep of the horizon, finds relief after a day spent in narrower prospects. From the rolling ground we stand on, we see the Grande Prairie stretching away interminably, with islands of timber scattered in the distance; below, a huge swell of land seems like a vast billow rushing to the shore.

Day now gives place to night; no sound is heard in these solitudes but the booming of the night hawk and the wrangling of wolves. As we press on, the prairie-hen flies from under our feet, and deer bound silently into the gloom. A light is stealing around us, surely not that of the dim moon. We round a promontory, and the prairie is seen on fire. Grandly the flames crackle and glow. Counter fires have been started by the settlers, to creep up to windward, and thus stay the conflagration. As they near each other, they remind us singularly of opposing armies. Two lines of fire sweep off for miles into the prairie. One rushes impetuously before the wind; the other slowly but steadily works up to meet it. Between, lurid columns bear down from different points; fiery platoons charge into the night, lull, and then rush on with fresh fury. The wind rises, and whirlwinds envelope us in smoke and ashes. As we turn our backs on the uproar, how sweetly the moonlight steals into our hearts, like a dream of rest to the devotee and world-worn.

In yonder cove in the timber are a few straggling lights; a small frontier village. Let us see what this new land has done for old human nature. A cheerful glow streams across the highway; it is the village smithy. The smith welcomes us warmly with his fire-seamed hand which makes our own snap again, though used to the plough and axe-handle, and motions us to a vacant anvil for a seat. Fast the blows fall, fast the sparks fly, and fast from his mouth come words of fate, free-will, and the ways of God to man. Copious of village gossip, at home in theology, oracular in politics, the blacksmith is your true radical. His business lying with those only of his own class, and his shop being a choice village lounge, he bitterly contemns all authority

but his own. A high aristocrat would our republican friend have been, had fate cast him amid gold instead of iron. He is metaphysical too, as all our mechanics are, disposed to go to first principles; even morbidly reflective. His neighbor the shop-keeper is blander of manner, more at home in the lighter topics of the day, and from his daily study of the papers, handles his terms better. The blacksmith is cruder in his theories, but they are his own; his expressions are less skilful, but he has worked them out himself, and can see into a millstone every bit as far as the other. The smith is keen in political economy; the man of tape and needles is thorough in political arithmetic. The first deals out stubborn *a priori* arguments, his rival meets him with stubborn Baconian facts. The one is conservative not from principle but self-interest, the other is radical from neither interest nor principle, but position. Let us leave these disinterested champions ere they get personal, and cross over to where the village clothiers ply their tranquil trade. That the tailor is the ninth part of a man we deny; it is one of those proverbial fallacies which grow out of the malice or stupidity of mankind. The tailor is every inch a man, cloth measure. Their very posture on the shop-board, apparently so effeminate, needs much muscular exertion. The young squires of the bodkin, groan over many a weary back-ache before they get the requisite strength, they are not suffered to touch back to wall, but must sit up in the middle of the board as a tailor should; the reverse of the cobbler, who sinks hopelessly down into his bench, and is usually stooping and weak-limbed. The tailor when he leaves his board is erect and agile. Poised on his nether end, every stitch sends a jar through his frame, and digestion waits on appetite. Fine feathers make fine birds; from love of his art, he dresses well, and all know the softening effect on the character of broadcloth. Dress gives address. He is suave, even insinuating; courteous and gentle; a squire of dames too, the gay Lothario of the village. Listen! their talk is of the tender passion; love is discussed in every phase. How they handle it!

One poor fellow we knew, a knight of the shears; a knight paladin he was in truth. Manly, even chivalric in his bear-

ing, 'tender and true' in heart, with the face and soul of Apollo, he loved too well the flash of the sabre and crack of the rifle and sought the wars. Made third officer in his company by his brother soldiers, he was accosted on march, with vile words and brandished sword, by one of those knaves whom faction, to the nation's disgust, had thrown into high places. With levelled revolver, he claimed his privileges as an officer and a gentlemen. The sword was dropped, the Jack-in-office sneaked away.

The general officer thus snubbed, afterwards covered himself with glory by his magnanimity in throwing up defences for the enemy. Gods and men looked and wondered, the greasers stared and inextinguishable laughter rent the skies.

Our friend the tailor bore himself more than well in battle, and was returning with a name that would have sent him to the Legislature, and Congress, when the *vomito* laid this strong man low.

A pleasing feature in Western life is, the perfect social equality. From far and wide over-laden men here seek refuge. Strong arms and stout hearts their only wealth; all classes at last salute each other as brothers. The foreign laborer, debased through generations of starvation and misery, with little of manhood left but the instinct that makes the crushed worm writhe, here finds food, shelter, and work; and, what his wildest ambition once never dreamt of—broad, rich acres that he can call his own. His brutality is laid aside, and the man rises in his kindliness and strength. Here, too, comes the ruined Eastern merchant. He has left behind his care, his wealth, and social rivalry, but he, too, brings his quota to the common weal in intelligence and refinement. On the females of this class fall terribly the hardships of frontier life. In thousands of humble cabins, by forest and prairie, are found pale, intellectual-looking women, broken down with unwonted drudgery. In silence they struggle on, and one by one they fade from the earth. Not in vain is their toil, for a grand stock these Spartan mothers leave behind for the peopling of future empires.

But not only for the toil-worn is our great West a refuge. Unquiet spirits of all kinds seek it. Some, their souls softened, rest in peace; but the restless flee

the placid prairie life. One we knew of, a reformed bucaneer; a downright, line pirate. A very respectable man he was, urbane and honorable; an object of interest to ladies, who loved him for the dangers he had seen, (he had narrowly missed the halter,) and of respect to his fellow-citizens, for the furrows in his cheek, and his volcanic eye, showed that the devil within was not dead, but slumbered; a gentle villain he was said to have been, who cut the throats of his victims, blandly smiling, and, hat in hand, ushered them along the plank. Quietly he passed his days, reposing on his laurels.

From this medley of people of all countries, opinions, faiths, and codes of morality, comes a freedom from prejudice, and an indifference to conventional forms, which always mark these Western cosmopolites. Freed from the incubus of caste, men breathe freely; and "good society," word of dubious import, is found among cobblers and tinkers. At least, its true conditions are here equality and mutual dependence, without which society is a bitter draught of meanness and insolence. Pretension fails, where good will only is to be gained; and obsequiousness dies out from want of fuel. Collision thus forces out a tact of manner and genial bearing—a manliness and courtesy, which stamps, with a distinct nationality, the Western citizen. The stranger cannot fail to be struck with it when he first sets foot on a Western steamboat. To men of warm sympathies, the universal cordiality, good humor, and unreserve are highly pleasing; and, if disposed to reciprocate the general good feeling, they will be still more charmed with the frequency of hospitable invitations.

There is another trait, which, on such occasions, will strike, perhaps, less pleasantly. The indifference to life here so marked, is, nevertheless, not merely a Western, but an American peculiarity. From this characteristic the American, with little of the mere "pluck" of the Englishman, or his dogged persistence, with less of the impulsive boldness of the French, stands unmoved in dangers, where the hearts of most men faint within them. It was this that made our ten thousand in Mexico rival the "the ten thousand," on the plains of Assyria. It is this, and not the mere national energy, that causes

the strange indifference of the public to the innumerable disasters by flood and field. It accounts, too, for the reckless steamboat races on our large water-courses, with their terrible risk of life. A boat rounds a point on a Western stream; colors are flying; martial music sounds; snorting and foaming, she quivers under the unwonted pressure. The hands sweat, and pant at their work. A tall Hoosier is seen, seated on the safety valve. The captain walks the hurricane deck, trembling with excitement. She passes a village; the people pour out on the bluff. Soft cheeks flush; handkerchiefs are waved; bright eyes sparkle; the men loudly hurrah. The boat returns the cheering. Fresh dry wood is flung into the glowing crater; sides of bacon, kegs of lard, tar barrels, are heaped up, and faster, faster she surges on. The captain doffs hat, and bows low to the fair spectators, and swears to win the race, or a place in Abraham's bosom. The passengers agree that love, and war, and steamboat racing, varied with a little bowie-knife practice, and quiet brag and poker, are sport fit for gods. Shortly after, under cloud of night, the rival boat crawls along; beautifully whipped, she had given up the contest. Fuel had given out, and a keg of gunpowder had been proposed to the captain, but he was not the true grit; perhaps he owned a share in the boat. He looks moodily at the crew; they sneer in return, and give warning. The passengers grumble, and ask to be put ashore; the ladies cross both boat and captain off their books. All must own that the sports of the West are in keeping with their gigantic plains and rivers.

As the traveller lands at some small river port, the man that carries your valise to the village inn, takes you patronizingly under his wing, and gives much friendly advice. Quite cheering, it is to those that come within these borders, haunted by spectral bowie-knives and revolvers. As you proceed you are saluted as Colonel, Major, Squire, or Judge, accordingly as self-esteem jerks back your shoulders and the crown of your head, or judgment pulls them forward. Encourage the pleasing delusion, and cheap military renown, or legal eminence, will be yours to the end of your days. Often is heard

the heartsome challenge of, "Stranger, how are you?" and your heart bounds, and warmly you grasp the hand that in the nineteenth century opens to strangerhood. Elsewhere it is the gentleman from Maine, or Georgia, or Timbuctoo, or a vagrant the police must see to. The hotels make no returns of strangers. That poetical race are fast fading from the face of the earth. They linger on our Western frontier, mournfully treading in the foot steps of the red man; and when the last Indian disappears on the shores of the Pacific the last stranger will be close on his heels.

The trait that is at the bottom of this heartiness of manner is one of world-wide application. The ability to assimilate with those about us, or in other words, the power to reproduce in our own breasts their passing moods of thought and feeling, is necessary for us to understand, to sympathize, to work upon and to give the semblance of those moods. Not all the theories of human nature from Aristotle to Gall, will give this power. It is only found in the school of life. Those whose pursuits lead them apart from mankind, and who deal with things not men; the recluse of any kind, the student, the artizan; those whose life is spent in a routine of figures or forms, are all wanting in this impressional facility. Occasion may bring them out, but only to relapse into their dry and unimpassioned exterior. But those whom circumstance has kept among men, and whose study, unconscious perhaps, has been living man; those who have been forced to consult and bend to the humors of men, have thereby gained a knowledge and a power more useful than books can give. It lends to the man of fortune bred up in the midst of society, his bland and seductive courtesy; it gives dramatic power to the author and theatrical talent to the actor; it is the essential in diplomacy, and of Yankee 'cuteness in bargaining; with it, the knave becomes honored among men; without it, he comes to the gallows; it gives success to the man a *bonnes fortunes* to all in fact who easily win the hearts of either men or women. This principle of our nature is largely developed in the western wilds. Subsistence easily obtained, there is a large scope for the social instincts; and men congregate, and are far less solitary in their

lives than the dwellers in large cities. The backwoodsman, backed perhaps by his non-chalance and uninjured self-respect, would be at home in Eastern saloons: with use, would be the life of select coteries; far more so, than many of those trim young gentlemen, who pace public promenades, and see little of the gay world but its pantomime. The thorough-bred man of the world would be equally at home canvassing for votes in log-cabins, or haranguing his fellow-citizens from the stump. Shake hands then, men that tread the prairie sod and men that glide over carpets of down, men of glistening shoon, and men of the mocassin, for ye are brothers.

Little wonder is it then that individuals in the West so often rise from the lowest vocations to celebrity. One is now before our mind, who, in his youth, swung the axe for fifty cents a day, and whom early manhood found spelling over his a, b, c's. But the best of all educations for the battle of life, the knowledge of men, this bounteous land had given him in common with all its sons. He is now an accomplished lawyer, and a whig representative in Congress. Such men know the value of the institutions under which they grow up, and not one jot or tittle of their well balanced conservation would they abate. We hope shortly to be able to present our readers with a portrait of this gentleman. "Long and lank and brown, as is the ribbed seasand," ungainly in figure, and attenuated in face, its knightly lines impress, and its frank conciliation wins. His warm blood flames in his eye, but his *bonhomie* is irresistible by crowds or individuals.

Another phase of the above-mentioned national trait, is the early period at which the boy learns to act and talk and be treated as a man. While Eastern youth are imbibing learning at the gentle breasts of Alma Mater, the lad of the prairie gathers truer wisdom from the rough counsels of men. And when colleges and law-schools pour forth their verdant inmates to astonish the Western native, they find that their verdancy alone surprises. Many a tough lesson must they then con, before they make up for lost time. In these frontier villages the lads gather with the men around the shop-doors, in the blacksmith's hovel,

about the stove at the village inn; and while their elders talk, listen with quiet judgment; or if they have aught to say coolly say it. Little respect for authority have they, it is our national defect; great self-reliance, they learn it as they wander with rifle on shoulder over plain and woodland; strong, reflective and analytic ability, for it is only in crowded regions where men gain their bread by unthinking routines, that the brain becomes an automaton and the reason withers. Before their beard has sprouted, their mind is full-grown, and they mount the stump.

This, then, this teeming soil has done or will do for humanity. It shew us that never before has man held destiny so completely in his hands. That from the working men of America must come development, if development really lies before us in this world. It tells the Fourierist raving about conventional distinctions, that distinctions are the work of nature's hand; that the strong arm is lord of the weak one, and that he who can search the depths of his brother's soul, can turn that soul to his own will. It tells the infatuate of society, who also vulgarly raves, and who rests his feebleness on others' strength, that these conventions are but *forms* of an inward power; that the spirit spreads fast, and the form ever lags behind. It tells him that despairs of human improvement, that many of the industrial classes are far ahead in intellectual essentials perhaps of himself. It tells the panegyrist of "blood," that the best blood is the rough common stock, where collision brings out vigor.

What more do we learn from this pleasant land, where men from the east and west, where men from the north and south commingle? That no institution that man has framed is entirely free from wrong or evil; that none that have stood the test of time are totally devoid of truth or good. That sectional prejudices fade away when brought face to face; that charity to the opinions of others is the truest philosophy, and manliness and good feeling the best breeding, and we learn at last, great truths that in the lowliest vocations of life are found the conditions of intellectual rise, of moral excellence and real refinement.

T. C. C.

THE OLD HOMESTEAD.

WHERE yonder elm its graceful foliage spreads,
And four tall poplars lift their spire-like heads,
As if from vulgar eyes the wreck to hide,
Of what they once adorned in stately pride ;
There, where twin lilacs breathe sweet odors round,
And all with purple stars bestrew the ground,
The ruined Homestead, once so trimly gay,
Forsaken stands, and tottering to decay.
Those roofless chambers shelter yield no more :
On one frail hinge slow creaks the crazy door :
No smoke, aspiring, curls amid the trees,
And paneless casements clatter in the breeze.

That time-bowed stoop, of many a sad farewell,
And many a kindly welcoming could tell,
But years have flown since o'er its threshold passed
The lonely, lingering footstep of — the last.
If yet, perchance, some passing traveller dare
Tread the weak floor and mount the uncertain stair,
Outspreading far, a landscape wide he sees,
Groves, and green vallies, and embowering trees ;
The distant village, and the nearer plain,
The bounteous orchard, and the ripening grain.

Sad contrast these with yon neglected fields,
Whose arid mould the scanty thistle yields ;
Where, every vestige lost of rural toil,
The plough has ceased to turn the exhausted soil ;
The scythe no longer sweeps the grassy lawn ;
The very foot-way to the door is gone ;
The song of industry, its busy tread,
The social converse—all, alike, are fled.

There ne'er again the host's convivial voice
Shall bid, with cordial greetings, to rejoice ;
Nor careful housewife's kindly proffered hoard
Be spread to tempt the traveller to her board.
Those young, fresh hearts, those spirits lithe and gay,
With song and mirth who wore the hours away—
Along that floor, where oft the dance they led,
Shall ne'er again the lively measure tread ;
To sprightly viol or romantic flute
The walls that echoed are forever mute ;
Cold is the hearth-stone,—all is silent there,—
The noisy pastime and the peaceful prayer.

There, oft, at eve, the hoary-headed sire,
 With conscious skill, would lead the evening choir;
 Or, while the circle gathered reverent round,
 With simple wisdom sacred texts expound.
 'Neath yonder elm his summer seat he chose,
 When day's long toil enhanced the late repose;
 Slow from his pipe the cloudy fragrance rolled,
 While sunset tinged the old green woods with gold:
 No cares penurious stirred his peaceful breast;
 His toil was duty, his reward was rest.
 O'er yonder weed-grown patch his garden lay
 Rich with the culture of each passing day:
 Its pathways trim no more allure the feet,
 The long, rank grass o'ertops the sylvan seat:
 Those damp, green stones still mark the living spring,
 But morn no more the accustomed step shall bring:
 The sun looks lone the distant hills between,
 And throws no human shadow o'er the scene.

One fair-haired urchin was the old man's joy:
 Active and apt, a wild and wayward boy,
 Who oft, with truant feet, at mid-day, hied
 With rod and line, to pace the river side;
 Or to the green wood with his gun repaired,
 Or trapped the rabbit, or the partridge snared.
 His buoyant steps no more those fields may press,
 Nor welcome glad his late returnings bless.
 Oft times, at night, a kindly shelter sought,
 When storms some stranger to their fire-side brought,
 The traveller's wondrous story charmed his ear,
 And near the listener drew—and still more near;
 Flushed with a new desire, the pleasing theme
 Beguiled his day and filled his nightly dream;
 Till, all elate remoter realms to see,
 He, too,—the stripling,—must a traveller be:
 O'er lands unknown, bright visions to pursue,
 Still following hopes that still before him flew,
 A world-wide wanderer, from his native shore,
 The boy departed and returned no more.

In yonder attic, roofless now, and bare
 To wintry storms alike, and summer air,
 Where through the wainscot sprouts the poisonous weed,
 And loathsome toad and bloated earth-worm feed,
 There, with his books, the wrapt enthusiast sate;
 His books, at once his solace and his fate;
 The field-task finished ere the page was sought,—
 More dear the solace as more hardly bought;
 There, all unaided, save by that strong will
 That mastering difficulties sought them still,
 Imbued with classic love, he toiled alone,
 And made the lore of ancient time his own.
 Where, oft, the live-long night his taper burned,
 As there intent the learned page he turned,—
 Where, slowly pacing, oft his step was heard,

Lone echo answers to the midnight bird ;
The breeze, that fanned his pale and patient brow,
Still wanders there, but all unheeded now ;
The student's task is done ; and wild flowers wave
And night dews fall around his early grave.

One stalwart youth, inured to manly toil,
Robust with labor, turned the healthful soil ;
'Gainst the broad oak alike the axe could wield,
Or thresh the grain, or mow the ripened field.
Nor tasks like these his sole employ he made ;
But gentler arts, with native skill, essayed :
Full well the viol's hidden charm he knew,
And o'er its strings no vulgar bow he drew.
The serious mood beseeemed his humor best ;
So grave his look it half repulsed a jest ;
Yet, oft, from him, to crown the social glee,
Came humorous joke, and racy repartee.
With grave suggestion, oddly misapplied,
He hit the mark, while seemed the aim far wide ;
And while the rest with bursting laughter shook,
Reserved and shy, maintained his serious look.
A village lass at length his graver mood
To smiles converted, and his heart subdued.
To other scenes the new made bride he bore,
Nor cheered nor served the ancient homestead more.

Where now, through broken chinks, with filmy ray,
Pale moonbeams gild the chamber of decay,
There once the maiden sought her pillowed rest,
Or sat retired in musing fancy blest :
Now to the tuneful thrush her ear inclined,—
Now drew the truant rose branch through the blind ;
As o'er yon woods slow rose the evening star,
With dreamy heart she touched the light guitar,
While by the sweet enchantment led more near,
The homeward rustic, wondering, paused to hear.
No witching melodies his feet delay
As duly now, he plods his evening way :
Though still the thrasher haunts those aged trees,
His songs no more the listening beauty please :
Where blushed the rose, along the lattice led,
The dismal ivy's ragged draperies spread ;
Serena ! loveliest of the group, how fast
The flower-like beauty of her blooming passed !
Oft was she seen at early summer morn,
Ere yet the dews forsook the trembling thorn,
Laden with spoils from field and flowery bed,
Warbling quick measures to her own light tread.
As then, arranged in tasteful order meet,
Each vase she filled with blooms and odors sweet,
While beaming smiles declared her artless joy,
How fitting seemed the delicate employ !
Around each graceful vase,—more graceful they,—
Her white hands hovered like twin doves at play ;

While 'twixt her slender fingers peeping out,
Some wilful flower would seek its whereabouts,
Or softly lean against her flowing hair,
As to the task she bent her forehead fair.
Caught by reflection was that glowing hue
With such soft blush that did her cheek imbue ?
Caught by reflection from those flowers outspread,
The rich carnation, the camelia red,
Roses, with bursting buds, of sweetness rife,
Like her, just opening into riper life :
From these did she the soft suffusion win,
Or, from that lovelier flower, enshrined within ?
Purer than lilies in the moon's cold ray,
Sweeter than violets in the lap of May,
Inborn, indigenous, untrained by art,
INNOCENCE, native to the virgin heart !
Crowned with a radiant bloom, all blooms above,
It bears a blossom, and we call it Love.
The flower enshrined within Serena's breast,
With transient joy her artless bosom blessed,
But all too soon, by falsehood chilled, no more
The flower divine its radiant love-bloom bore,
Life's mid-day heat too delicate to bide,
The bloom was blighted—and Serena died.

Where poisonous vines now spread their tendrils wide,
And leaves, o'erlapped, the parlor window hide,
O'erlooking thence the distant village green,
At early eve was oft the MATRON seen.
With busy needles glancing in the sun,
She knit the thread the morning's toil had spun ;
Or read, with voice subdued, some legend dear,
To one pleased listener, ever lingering near,—
A timid child, of pale, attenuate face,
And feeble frame—the youngest of the race.
In growth by nature stunted, he could ne'er
Partake the sport to active youth so dear ;
And thus it followed, other joys denied,
He loved the legend at his mother's side.
For her, much striving of unquiet thought,
Above the calmness of her life was wrought.
From out the love, that feeble boy she bore,
Came anxious fears the future to explore.
"Should she be called away, who might bestow
The care on him that only mothers know ?
Whose voice, like hers, his hours of illness soothe ?
Whose hand like hers the restless pillow smooth ?"
Thus ran her thoughts ; but dimly, through such fears,
She saw the shadow of the coming years.
Ere fifteen summers crowned his youthful head,
The mourning mother left him with the dead.
A childless widow—last of all her race,
She lingered long, sole tenant of the place,
Prepared in meek submission—calm of mind,
Alike to follow, or remain, resigned ;

She lingered long, and slowly, day by day,
Began the fine old homestead to decay ;
Till tolled at last for her the funeral knell,
And then,—deserted,—all to ruin fell !

Now, oft, 'tis said, strange harmonies are heard,
When whispering leaves by midnight winds are stirred ;
And shadowy forms and ghastly faces there,
Flit thwart the gloom, and through the casements glare.
The sturdy laborer mends his evening pace,
To shun the oft told horrors of the place ;
And while his children, listening, crowd the hearth,
Recounts the terrors that betrayed his path.
He bids them shun that desolated ground,
Where sounds and shapes mysterious linger round ;
And tells of ghost that walks the crumbling walls,
And voice, that oft the midnight traveller calls.

If ere, as close the shades of evening grey,
The village maiden chance to pass that way,
She hurries on with sidelong glance of fear,
And cowering fancy paints the phantom near.
Sacred no longer to a virtuous race,
Pale superstition has usurped the place.
Too sad the theme ; yet memory loves to cast
Her tender, tearful glances o'er the past,
Lure back the vision of each old delight,
And, link by link, the circle reunite ;
Force from departed joys a luscious pain,
As withered roses, crushed, breathe sweets again.
Seen, like the sun, his beams when showers enshroud,
Reflected feebly through the sombrous cloud,
The vision dimly gleams. The years, turned back,
Retrace the foot-prints of their noiseless track.
While, as some sun-lit cliff o'erlooks the storm,
Serenely stands Faith's heaven-illuminated form ;
The faint obscure with smiles of promise cheers,
And points the moral of the circling years.
Ceaseless MUTATION ; oldest law of earth,
Calling from slow decay the vigorous birth ;
And, waxing, waning, still, from first to last,
The Future brightening as declines the Past.

CONGRESSIONAL SUMMARY.

IN Washington, March 31st, 1850, died JOHN CALDWELL CALHOUN, aged sixty-eight years and fourteen days. Mr. Calhoun had been of late in failing health, and the excitement of the recent events in Congress, proved too much for his undermined constitution. His death was like his life, self-sustained and unflinching.

For nearly half a century, Mr. CALHOUN had been in public life. During the whole of that period, his position was a prominent one. Crossing swords in debate with RANDOLPH, with CLAY and WEBSTER, sought in counsel by MADISON and MONROE, his foot never failed him in such dizzy heights, his self-poised presence of mind never deserted him. Too much of a Statesman for a successful politician; too sectional in his views and feelings for a man of the nation, he was for that section all that a leader could be.

In such capacity, his character was well-suited to arouse enthusiasm and lasting regard. Immovable in his principles, of clear and logical intellect, singularly independent and self-reliant in judgment and action, ambition, the greatness of most men, was Mr. CALHOUN's only weakness. Kind and just in his domestic and social relations, he sought his only relaxation from official duties in the society of his friends and family. His conversational powers were remarkable, and contributed not a little to his political success. He possessed alike the confidence of his constituents and the respect of the great men with whom he was ever associated. Had the qualities which drew forth these feelings been less real and sterling, he could never have maintained this proud position.

Mr. CALHOUN commenced his public life in the Legislature of his own State. After serving there a few years, he was transferred to Congress, and at once took his place among the great minds of the country. His maiden speech was in defence of the resolutions recommending a declaration of war with Great Britain. He spoke in reply to one of the most brilliant efforts of RANDOLPH. He sustained the reputation he had earned at home, and gained the name of being the most effective orator of the day. The course he pursued in his responsible position as Chairman of the

Committee of Foreign Affairs is now national history.

At the age of thirty-five, he was invited by President MONROE to a place in the Cabinet. He was appointed Secretary of War. The affairs of this department were in the most complete confusion; so much so, that Mr. CALHOUN's friends doubted the prudence of his accepting a situation that demanded a business talent for affairs. He applied his powerful mind to the task, and organized the Department on a footing that stands to the present day. The unsettled accounts of the Government, amounting to near fifty millions, he reduced to less than three millions. The annual expenditure of the army he found four millions, and effected a saving thereon of one million three hundred thousand. At the close of MONROE's administration, he was elected Vice-President, and was re-elected in 1828. During the difficulties between South Carolina and the General Government, he resigned and was elected Senator in place of Hayne. This difficult position he held to the entire satisfaction of his partisans. But the doctrine of nullification, however grateful to his own State, was odious to the rest of the Union; and Mr. CALHOUN's prospects of the Presidency, and career as a national man were effectually checked.

He continued to represent South Carolina in the Senate of the United States for eleven years. In 1844 he was appointed Secretary of State by President Taylor. During the year he held that office, he was mainly instrumental in bringing about a measure, that is now, in its effects, convulsing the country to its centre. His diplomacy cleared the way for the annexation of Texas. The English Government convinced from Mr. CALHOUN's energetic remonstrances that the United States would permit no interference, suffered that country to fall quietly into our hands.

Mr. CALHOUN in carrying this measure was true to the political instincts of his whole life. He denied his nationality as an American citizen, and admitted no claims but those of his own State and his own section. Staunched to his post, it was in the furtherance of these claims and this policy that he drew his last breath.

"But he is gone—a man whose faults were few:

A nobler treads not Senatorial halls;
To his own views of right intensely true,
To Heaven's great aim magnificently false!
With steadfast will, that none could bend or break,

A kingly victim he to a profound mistake!

He stood a bulwark 'gainst the advancing tide
Of Human Progress, but the conquering wave
Kissed as it sank, that brow's majestic pride,
And wailed regretful murmurs o'er his grave.
Long be his resting place a hallowed spot,
Till Dignity, and Truth, and Manhood are forgot.*

On the announcement in the Senate of Mr. CALHOUN's death, Mr. CLAY spoke in eulogy of his virtues.

"My personal acquaintance with him," he said, "commenced upwards of thirty-eight years ago. The Congress of which we then became members, was that among whose deliberations and acts was the declaration of war against the most powerful nation, as it respects us, in the world. During the preliminary discussions which arose in preparation for that great event, as well as during those which took place when the resolution was formally adopted, no member displayed a more lively and patriotic sensibility to the wrongs which led to that awful event than the deceased, whose death all unite now in deploring. Ever active, ardent and able, no one was in advance of him in advocating the cause of his country, and in denouncing the injustice which compelled that country to arms. In all the Congresses with which I have had any acquaintance since my entry into the service of the federal government, in none, in my opinion, has been assembled such a galaxy of eminent and able men as were those Congresses which declared the war, and which immediately followed the peace. In that splendid assemblage, the star which has now set, stood bright and brilliant. It was my happiness, sir, during a great part of the life of the departed, to concur with him upon all questions of national policy. During the session at which the war was declared we were messmates, as were other distinguished members of Congress from his own patriotic State. I was afforded by the intercourse which resulted from that fact, as well as from subsequent intimacy and intercourse which arose between us, an opportunity to form an estimate not merely of his public but of his private life, and no man with whom I have ever been acquainted exceeded him in habits of temperance, and in the simplicity and tenderness of social intercourse. And such was the high estimate I had formed of his transcendent talents at the end of his services in the executive department under the administration of

Mr. MONROE, that had he been translated to the highest office of the government, I should have felt assured, that under his auspices the honor and prosperity and glory of our country would have been safely preserved. Sir, he is gone. No more shall these halls witness in yonder seat, the flashes of his keen and penetrating eye. No more shall we listen to that torrent of clear, concise and compact logic poured from his lips. Sir, this is not the proper place, nor should I be the proper person to attempt a delineation of his character, or of the powers of his mind. I will only say that he possessed a lofty genius, that in his powers of generalization of those subjects of which his mind treated, I have seen him surpassed by no man, and the charms and captivating influence of his colloquial powers have been felt by all who have ever witnessed them.

Mr. WEBSTER, on the same occasion, spoke in high testimony of the character of the departed Statesman.

"I made my first entrance," he said, "into the House of Representatives in 1813. I there found Mr. CALHOUN; he had already been an efficient member of that body for two or three years. I found him then an active and efficient member of the assembly to which he belonged, taking a decided part and exercising a decided influence in all its deliberations, from that day to the day of his death. Amidst all the strifes of party and politics, there has subsisted between us always and without interruption, a great degree of personal kindness. Differing widely upon many great questions belonging to the institutions and government of the country, those differences never interrupted our personal and social intercourse. I have been present at most of the distinguished instances of the exhibition of his talents in debate. I have always heard him with pleasure, and often with much instruction, and not unfrequently with the highest degree of admiration. Mr. CALHOUN was calculated to be a leader in whatever association of political friends he was thrown, he was a man of undoubted genius and of commanding latent. All the country admit that his mind was perceptive and vigorous—it was clear, quick and strong. Sir, the eloquence of Mr. CALHOUN, or the manner of the exhibitions of his sentiments in public bodies, was part of his intellectual character—it grew out of the qualities of his mind—it was plain and strong, sometimes unsurpassed still always severe, rejecting ornament, not often seeking far for illustration. His power consisted in the plainness of his expression, in the closeness of his logic and in the earnestness and energy of his manner. These are the qualities, as I think, that have enabled him, through such a long course of years, to speak often and yet always to command attention. His demeanor as a Senator is known to us all—is appreciated and

* Tribune Newspaper.

venerated by us all. No man was more respectful to others—no man conducted with greater decorum and no man with greater dignity. I think there is not one of us but felt, when he last addressed us from his seat in the Senate, with his form still erect, with a voice by no means indicating such a degree of physical weakness as did in fact possess him, with clear tones, and an impressive and most imposing manner—there is none of us, I think who did not imagine that we saw before us a Senator of Rome, when Rome survived. Sir, I have not in public nor in private life, known a more assiduous person in the discharge of his appropriate duties. I have known no man who wasted less of life in any pursuits not connected with the immediate discharge of his appropriate duties. I have known no man who wasted less of life in what is called recreation, or employed less of life in any pursuit connected with the immediate discharge of his duty. He seems to have had no recreation but the pleasure of conversation with his friends. Out of the chambers of Congress he was either devoting himself to the acquisition of knowledge pertaining to the immediate subject of the duty before him, or else he was indulging in those social interests in which he has so much delighted. My honorable friend of Kentucky has spoken in just terms of his colloquial talents. They certainly were singular and eminent—there was a charm in his conversation. He delighted, especially, in conversation with young men. I suppose that there has been no man among us who had more winning manners in his intercourse and conversation with young men, than Mr. CALHOUN. I believe one great power of his character, in general, was his conversational talent. I believe it is that as well as a consciousness of his high integrity, and the highest reverence for his talent and ability, that has made him so endeared an object to the people of the State to which he belonged. Mr. President, he had the basis, the indispensable basis, of a high character, and that was unspotted integrity, unimpeached honor and character. If he had aspirations, they were high and honorable. There was nothing grovelling, or low, or selfish that came near the head or heart of Mr. CALHOUN—firm in his purpose, perfectly patriotic and honest, as I am quite sure he was in the principles that he espoused and in the measures that he defended. Aside from that large regard for that species of distinction that conducted him to eminent station, for the benefit of the republic, I do not believe that he was imbued with selfish feelings. However, sir, he may have differed from others of us in his political principles, those principles and those opinions will descend to posterity under the sanction of a great name. He has lived long enough—he

has done enough, and done so successfully, so honorably as to connect himself, for all time, with the records of his country."

On Tuesday, March 19, Mr. Hale addressed the Senate in reply to Mr. Calhoun's speech on the slavery question.

He proposed examining the history of the agitation of this subject, the account of which, he said, as given by Mr. Calhoun, sounded more like romance, than the truth of history. That gentleman had asserted that these agitations consisted in a series of aggressions by the North on the rights of the South; and that these aggressions, resulting in the loss of the equilibrium between the two sections, had commenced in the ordinance of 1787. But how, he asked, could that ordinance be termed an aggression, when the only dissenting vote, on its adoption, was from a Northern state? This ordinance, he said, which is no other than the original of the Wilmot Proviso, was passed with the full consent of the South, was re-enacted by the first Congress that assembled under the federal Constitution, and has continued to be re-enacted, in substance, from the time of General Washington, who signed the first act, down to President Polk, who signed the same provision in the Oregon bill. And this principle, the power of Congress to legislate on the subject of slavery in the territories, or between the United States and other countries, has been assumed in every act of the Federal Government, organizing territories from that time to this. In proof of this, Mr. Hale, referred to an act passed in 1794, prohibiting the carrying on the slave trade from the United States to any foreign place or country; to the act of 1798, making it unlawful to bring slaves into Mississippi Territory, from any place without the United States; and to the Oregon bill of 1848.

With regard to the assertion of the Senator from South Carolina, Mr. Hale continued, that the direct attacks on slavery in Congress have commenced within the limited period of fifteen years, he would refer him to the year 1776, and he would find one of the most "agitating" and "fanatical" papers that he could well find, beginning with the declaration that all men are created equal. He would also refer him to a petition dated 1776, from Benjamin Franklin as President of the Pennsylvania Society for the abolition of slavery. He referred also, to the action of Congress upon a petition of the inhabitants of the territory of Indiana, praying that slavery might be permitted within that territory for a limited period. Mr. Randolph, Chairman of the Committee to whom the petition was referred reported as follows:

"That the rapid population of the State of Ohio, proves, in the opinion of the Committee that the labor of slaves is not necessary to promote the

growth and settlement of colonies in that region. That this labor, demonstrably the dearest of all, can only be employed to advantage in the cultivation of products more valuable than any known to that quarter of the United States. And that the Committee deem it highly dangerous and inexpedient to impair a provision wisely calculated to promote the happiness and prosperity of the Northwestern country, and to give strength and security to that extensive frontier, and they believe that in the salutary operation of this law, the inhabitants of Indiana, will find, at no distant day ample remuneration for a temporary privation of labor and of emigration."

Surely, continued Mr. Hale, these instances sufficiently prove that the ordinance of 1787 was not the act of a part, but of the whole country, that its spirit was impressed on the legislation of the country at the earliest period; and that it has continued them to the present day.

Another cause of agitation, and of disturbance of the equilibrium, the Senator proceeded, is sought in the Missouri compromise. But this compromise, whenever offered, uniformly receives the votes of the South, while the North, as a body, are opposed to it. A third cause of disturbance is pointed out in the Oregon bill; but this bill was only passed in 1848, and has hardly been in operation a year and a half.

The next in this series of aggressions is what is called the unequal system of revenue and disbursement adopted by this government. But this revenue has been mainly raised by duties on imports, and such duties, Mr. Hale considered always fall upon, and are paid by consumers, be they where they may. A state then, having ten times the population of another state pays ten times more revenue. Wherever the imports go, there the revenue is collected. With regard to the charge of unequal disbursements, the Senator thought it completely opposed to the whole testimony of history. "The expenditures of government are not made in the North, the officers of the government do not come from the North, nor are the great contracts made there. What is it that consumes one half, aye, three fourths of your revenue, but the army and the navy, and where is it expended? Why, where your Indian wars occur, your Seminole and Creek wars, in the Southern and not in the Northern portion of these States."

The various tariffs, too, have been inveighed against by the Senator from South Carolina, as oppressive to the South. But this system of policy has been fastened upon the country by the force of Southern votes, and originally against the wishes and interests of the New-England States. The whole legislation of this country has been, in fact, under Southern influence. The Presidents of the United

States have been Southern men. The bench of the Supreme Court has been filled from the South. And no man, he said, has done more to stamp upon our Councils the character and features of that section, than the honorable Senator from South Carolina.

Mr. Hale then referred to the charge that the abolition societies of the North, although apparently disowned, were in reality courted and pampered by the rival factions in those states. Notoriously said he, these societies have been, until lately, under the ban of public opinion. Their presses have been destroyed, their orators mobbed, their meetings invaded; and it was not till the annexation of Texas was effected, that the public sentiment at the North began to lean towards abolitionism. But they saw in this measure, a settled purpose to aggrandize the South at the expense of Northern rights and feelings, and to use the power of the general government to spread the baneful institution of slavery.

The annexation of Texas, Mr. Hale continued, was effected in an unconstitutional manner; and the rights claimed by that state to form new slave states out of her territories, were founded on a contract obtained in fraud, and consequently void. Congress has a right to admit states. So far, then, as concerns the admission of Texas, the compact was binding on the United States, and on Texas. But Congress has no right to connect with such admission, a treaty with a foreign nation, fixing obligations on this government. All rights then claimed by Texas on the strength of this treaty were without proper foundation.

Mr. Hale then commented on the proposal for severer laws for the arrest of fugitive slaves.

"What will be the effect of such laws? You come upon an individual, who has been born and nurtured in the North, owing allegiance, and entitled to protection there. You come upon him with an affidavit taken a thousand miles off, and you seize him. Where is that man's right? Where is the trial by jury? Where is the habeas corpus? Where is the protection which the constitution guarantees to the nearest citizen living under the law? Now, I am free to say, once for all much as I love the Union, much as I reverence its institutions, fond as are my memories which cling around its early histories, I would sacrifice them all to-day, before I would consent that the citizens of my native state should at one blow be stripped of every right that is dear to them, and for which their fathers bled and died.

During the last month, little of interest has taken place in Congress. The House has been awaiting the action of the Senate on the question of the admission of California,

the Senate has apparently awaited the action of the country. Speeches have been made for the benefit of constituents, predictions of speedy dissolution by Southern members, and incredulous responses on the part of the North. Meantime four months of the session have gone by, and little of the large amount of business on hand has been transacted.

On Thursday, April 4th, the special order of the day being the resolutions of compromise, submitted by Mr. BELL, and the pending question thereon being a motion, by Mr. FOOTE, to refer the same to a select committee of thirteen, Mr. WEBSTER reminded the Senate of the great delay in the discharge of their public duties, and thought the time was come, when, without encroaching on the liberty of discussion, they might proceed to some action on the subjects that had so engrossed their attention. He should endeavor, so far as lay in his power, to bring this question of the admission of California *per se*, to a decision by the Senate. After that, to take up, and act upon the territorial bill. He had no wish to check the liberty of debate; but he urged the necessity, instead of keeping all these subjects open and before them, from day to day, to take up some measures of a practical kind, and debate on that, until they were ready to act upon it. With regard to the proposition of Mr. FOOTE, he had no objection to coming to a vote upon it, but it was his opinion that every man was, by this time, as well informed upon these general subjects as he could possibly be after any report from a committee. He was for acting at once on California, and then upon the territorial bills reported by Committees on Territories. He wished this, for the sake of the satisfaction it would give the country, and the relief to men's minds. He wished, too, to enable Congress to go through with its ordinary duties, and he despaired of any wise, temperate, and just legislation, until these disturbing causes be removed. "I wish," said he, "that this question—brought upon us by the events of the last two or three years somewhat unexpectedly—should be settled. I wish it to be settled upon the true principles of the constitution of the United States. I want no new platform. I ask for no concessions upon one side or the other—no new compromises. The constitution is enough—broad enough, full enough, efficient enough; and if we can bring ourselves to act with moderation, and temperance, and candor, and liberality, and I will say—what is chiefly important—with fraternal regard and sympathy upon the questions before us, in the spirit of the constitution, we are able to rescue the country from its embarrassment. We—we who sit here, clothed with this high authority for a moment—are able to rescue this country, to relieve it, and

to satisfy the public judgment and the public feeling of the extreme North and the extreme South, and from ocean to ocean. I believe it."

Mr. FOOTE, in reply, objected to taking up the California bill first. He thought, in case of the admission of California *per se*, the non-slavery party in Congress would adopt the *inaction* policy proposed by the administration. This course of proceeding, he said, is already zealously advocated by leading Whig presses in the North. It has, even here, been openly avowed this session in both houses of Congress. Pass the California bill, and gentlemen will be heard to cry out that New Mexico and Deseret can do very well without government for the present, at least, until they have population sufficient to entitle them to demand admittance into the Union as States. He thought that to carry a suitable bill for the government of the Territories, especially without the Wilmot Proviso, would require all the favorable circumstances that the forbearance and tactics of its friends could bring to its support. And he assured Senators that the admission of California by herself, "would awaken a feeling of chagrin, of irritation, and flaming indignation throughout the whole South, which in his judgment, would make all future attempts of adjustment hopeless, and inevitably bring upon us all the evils which it has been the generous ambition of the Senator from Massachusetts to ward off and prevent."

The next day the same question being before the Senate, Mr. CLAY spoke as follows. He deplored the mutual distrust, both of honor and fidelity, which had arisen between parties during the present agitation. He did not partake of that feeling to the extent that others did. It had been his anxious desire, from the first, to see these great questions settled amicably, and harmony and fraternal feeling restored to this divided country. Every proposition offered, that had this result in view, he had hailed with delight. He was, therefore, ready to vote for the proposition of Mr. FOOTE, though far from sanguine as to the result. For one, he was ready to vote for California either separately, or in conjunction with the other territories, and with, or without the boundaries she has marked out for herself. He thought, in fact, California should have been admitted on the instant of her application. But such had been the opposition to this measure, that he now believed the only way to insure her prompt admission would be its combination in the same bill with provisions for the government of the rest of the territories. The accusation that such a course savored of disrespect, seemed to him completely imaginary. He saw no disrespect. What was there incon-

gruous or improper in apportioning, by one arrangement, their various governments to the different territories acquired at the same moment from Mexico? Another recommendation of this proposition was, that we are aiming at a compromise; and a compromise, he thought, should settle as many as possible of the distracting questions before the country. He doubted the propriety of admitting the bill for the recovery of fugitives, but in all that related to California, all that related to governments, for the other two territories, and even, if necessary, the adjustment of the boundaries of Texas—though that, he thought, might as well be left out—all these kindred subjects should be associated under a common bill. With these views, he should vote against the amendment to Mr. FOOTE'S resolution, excepting from the other questions before the committee on all reference to the subject of California.

April 8, Mr. BENTON continued the debate on these subjects, as follows:

He was opposed to the joining the question of the admission of California with any one, much more with the whole, of the distracting questions arising out of the slave institutions of the United States. "California is a State, and should not be mixed up with anything below the dignity of a State. She has washed her hands of slavery at home, and should not be mixed up with it abroad. She presents a single application, and should not be coupled with other subjects. What are these subjects? They are," said Mr. BENTON,—

"1. The creation of territorial governments in New Mexico, and in the remaining part of California.

"2. The creation of a new State in Texas, reduction of her boundaries, settlement of her dispute with New Mexico, and cession of her surplus territory to the United States.

"3. Recapture of fugitive slaves.

"4. The suppression of the slave trade in the District of Columbia.

"5. Abolition of slavery in the District of Columbia.

"6. Abolition of slavery in the ports, arsenals, navy-yards, and dock-yards of the United States.

"7. Abolition of the slave trade between the States.

"8. Abolition of slavery between the States. And a non-enumerated catalogue of oppressions and encroachments upon the South."

He was opposed, the Senator continued, to this mixture of diverse questions, separately and collectively.

On the score of general considerations, he objected to it, because no other State had been subjected to a like indignity; because the subjects coupled with the admission of Cali-

fornia were distracting, angry, and threatening dissolution and secession, while her application was conciliatory, national, and proffering increase and strength to the Union; because every principle of fair legislation requires each measure to stand or fall on its merits, unaided by stronger measures, unimpeded by weaker ones; and because California herself objects to this mixture, by that provision in her constitution, which says that "every law passed by the legislature shall contain but one object."

He objected also to this admixture, Mr. BENTON continued, from the incongruity of its ingredients:

1. The government of the two territories brings up the question of the Wilmot Proviso, which is unconstitutional in the opinion of some, inexpedient in the opinion of others, and both constitutional and expedient in the opinion of some others. It is an angry and sectional question. California has freed herself from its trammels, by refusing to admit slavery within her borders. How wrong, then, to connect her admission with the other matters concerning those neighboring territories, which alone can justly come under the action of this Proviso!

Moreover, the question of her admission is clearly constitutional, for Congress has the expressed power to admit new States. While the Wilmot Proviso power is only by inference, and by many members on this floor absolutely denied. Oaths to the Constitution cannot be compromised, and, therefore, doubtful questions should never be mixed with those of undisputed constitutionality.

He believed slavery to be extinct in New Mexico and in all California, and was ready to vote them governments without provision on that subject.

2. Texas, with her large and complex question, should equally, with California, object to this conjunction. They present incongruous subjects, and large enough each to demand a separate consideration. The settlement of the Texas question depends partly on the action of that State. It would be Texas, then, and not the United States, that would decide upon the admission of California, as well as other questions connected therewith by the resolutions of compromise.

The Texas question should be adjusted, should have been, in fact, at the time of her annexation. He should vote accordingly for their settlement, but only as a separate and substantive measure.

3. The fugitive slave bill. This again is a case in which California has no concern, for she has no slaves to lose, and from her distance can receive none. He protested, too, against the dishonor offered to California, by mixing up the high question of her admission

with a bill for the arrest of runaway negroes. There was already before Congress, said Mr. BENTON, a bill for the recovery of slaves. He was ready to vote for it, for any thing, in fact, which would be efficient and satisfactory on this score. It was the only thing, he thought, in which the North, as States, had given just cause of complaint to the slave-holding interest. But he saw, in this body, no disposition to evade legislating the remedy. He saw no greater diversity of opinion than in any ordinary measure before Congress; no line dividing North from South, the East from the West.

4. Suppression of the slave trade in the District of Columbia. Here, again, California is in no ways especially concerned. It is a minor question, and not to be put in the balance against the admission of a State. The measure is right in itself, and there seems but one opinion in Congress concerning it. During his thirty years' experience in that body, he had seen no state of parties in which this revolting traffic might not have been suppressed.

5, 6, 7, 8. Abolition of slavery in the District of Columbia, abolition of slavery in the ports, arsenals, navy-yards, and dock-yards of the United States, abolition of the slave trade between the States, and abolition of slavery in the States. None of these questions would he submit to a committee. He would not take them under consideration. The agitation in the South on these subjects was a false alarm. Congress had never evinced a disposition to meddle with them. These rights of the slave-holding interest were guaranteed by the Constitution, and needed no additional surety of Congressional compromise. Sixty years' refusal to act, sixty years' disclaimer of power, is the highest evidence Congress can give of its determination to abide the Constitution and its duty.

"These are all the specified causes of alarm to the slave States from any conduct, or apprehended conduct, on the part of Congress, of which I have heard complaint. I do not trouble myself with those who have no power to act—with individuals or societies. Congress is the effective power—the representative of all the States—and of that I speak, and say, that I know of nothing in its conduct which can give the slave States any cause for complaint or alarm."

Undefined complaints there are, the Senator continued, of aggressions and encroachments, but for these he knew of no foundation. Offensive legislative resolutions there certainly were, but nothing that in their character amounted to aggression or encroachment. But he didn't know of forbearance in Congress from exercising one undoubtedly Constitutional power, and which might have been used to

the manifest annoyance and aggression of the South. The slave property of that section, valued at more than a thousand millions, and which no other government in the world would leave untouched, and for the taxation of which, there were the precedents of 1798 and 1813, this rich source of molestation to the South, and of profit at the expense of the South, no Northern member has ever proposed or hinted at. If, then, Congress refuses to exercise a right clearly constitutional, and fraught with mischief and oppression, what reason have we to imagine a tendency to measures which will accomplish that purpose no more surely, and have not the safe ground of the Constitution to stand on?

But Congress does not stop at forbearance, said Mr. Benton. In the very year that saw the commencement of the slavery agitation, so little was Congress affected by abolition societies and petitions, that it actually increased the area of slavery, and at the expense of the Missouri compromise line. The annexation of the Platte country to Missouri, gained to that State six new counties carved out of free soil. Behold Texas; ceded to Spain, by a Southern administration in 1819, recovered by the help of Northern votes in 1844. Look at those Southern States redeemed from the Indian by Northern votes, and the white man and his slave allowed to go where actually slavery never existed before!

Mr. BENTON then spoke of the objections raised against the admission of California. It was urged by her opponents that her State government had been formed without previous action of Congress. But eight of the United States had been admitted in a similar manner, in a period of sixty years, running back from the year 1846 to the time of Washington. There were aliens too, it was said, having a voice in the adoption of the Constitution of California. The same objection was raised in the case of Michigan, but Congress overlooked the irregularity, for there was no alienism in its Constitution. Neither is there in that of California. It is an American Constitution, and thoroughly republican.

A third objection was, that its population was not sufficient to entitle it to admission as a State. But there were 100,000 male adults in California, and in the usual calculations it was considered that out of six persons, including women and children, there was one male adult. The 100,000 voters then in California would correspond to 600,000 inhabitants in the older States. He supposed that the attraction of the sexes was as true a natural law as the attraction of gravitation, and California would soon doubtless have its proper proportion of women and children. With regard to the territorial extent of California, he compared it with that of Texas. He main-

tained that the boundaries adopted were the natural limits. Deduct her mountains and wastes, and her soil adapted to cultivation was not as extensive as that of Missouri or Illinois.

Mr. BENTON then spoke of the charge brought up of interference by the administration. He had no belief that there had been such interference, and how, if there had been, could it affect the question of her admission? How should the fault of the Executive be allowed to deprive the people of California of their rights?

In the House of Representatives, March 6, Mr. STANLEY spoke as follows:—

He had heard much, of late, of "encroachments on the South—aggressions on the South." Some cause there was, he admitted, of complaint, but that the whole North were open to the sweeping censures cast upon them, he denied. He had watched the times, and it was now his settled conviction that most of this hue and cry originated in a malignant wish to embarrass the administration. The most unkind, and improper, and furious, though feeble, aspersions have been cast in a number of the speeches here, upon the motives of the President. In most of them, the Whig party has been fiercely denounced. He believed he could shew that all this agitation was for party purposes.

It was as a Northern man with Southern principles, and by casting the stigma of abolition principles upon the Whigs that Mr. VAN BUREN rode into power. When Mr. HARRISON was nominated for the Presidency, he, too, was denounced as an abolitionist. Mr. CLAY was denounced as an abolitionist; and the only allies of the South were Mr. VAN BUREN and his friends. The hollowness of all these protestations, the event has fully shewn. Mr. STANLEY would not admit that either of the great parties at the North were hostile to the South. Some fanatics there are, but the great body of Northern people he could not believe were enemies to the Constitution and the Union.

Mr. STANLEY thought that the complaints made by agitators in the South and echoed by their *doughfaced* friends in the North, on the one hand, and the ravings of the fanatical Wilmot Proviso men on the other hand, proceeded from a keen relish for party spoils. By thus spreading their nets, they hoped to drag in votes from both wings of the country. In this political game, one of the main points is the excitement raised concerning the refusal to surrender fugitive slaves. It is true the North has behaved badly in this respect, but have slaves never escaped before to the Northern States? Did this difficulty in recovering fugitives only commence with General Taylor's administration? It is certainly

singular that from 1838, when a similar question was before Congress, down to General Taylor's election, no effort had been made to demand additional legislation upon this subject.

Another reason given us by disunionists, is the annoyance the South receives from the agitations of abolitionists, and the abolition petitions that besiege Congress. But before the repeal of the "twenty-first rule," Southern gentlemen said that if that rule should be repealed and these petitions received, the Union would be dissolved. But the rule *was* repealed, and still the union holds together. The petitions were received, and how stands the fact now? We have been here, said Mr. Stanley, more than three months and not a single abolition petition has been presented. The fact is, that in this favoured land, our people from "excess of ease" continually run into extravagances. When they could not war against the twenty-first rule, they form peace societies, societies for the 'rights of women,' &c. Denunciations only makes these people fold the cloak of prejudice more closely around them. Persecution brings them into notice. Forbearance towards their follies leaves them powerless.

But complaint is made that the North does not interfere to stop their aggressions. Who can silence the fanatic? New York cannot quiet her own anti-renters. New York, Massachusetts, Philadelphia cannot prevent mobs and destructive riots within their own borders.

Neither are all who are opposed to slavery disposed to interfere with slavery in the States. The Quakers in North Carolina, and elsewhere are opposed to slavery. Their petitions for the adoption of measures to secure its final extinction have been presented and received by our own Legislature. And these men are among our best population, industrious, sober, orderly.

Another "aggression," is that Massachusetts in 1843 passed resolutions recommending a change in the Constitution of the United States. But though the Legislature of Massachusetts did wrong in this instance, it does not follow that while the present constitution stands, she would interfere with slavery in the Southern states. If her conduct evinces a disposition to interfere, it admits also a want of power under the constitution.

Another Northern "aggression" is found in the attacks on the slave trade in the District of Columbia. But these attacks are not by Northern men alone. Southern members had reported bills against this traffic, and for himself, he was ready at any time to pass a law breaking up these miserable establishments carried on under the very eyes of Congress itself.

As regards the abolition of slavery in the

District, no man in his senses could believe that Congress would ever be guilty of the folly or the outrage of such interference. "Such an act would justly be regarded by the Southern States as a declaration of hostility on the part of the North, and they would act accordingly."

"Yes," said Mr. Stanley, "the South has been terribly oppressed! Out of the sixty years since the Constitution was framed, the South has had the Presidents all of the time except twelve years and one month. We have had our share of other high offices. How is it now? In the midst of this formidable invasion of our rights, when the Abolitionists are so strong, we have elected a southern President, who was said to be the owner of more than two hundred slaves! and that, too, against the nominee of the Baltimore convention, when it was said 'there was no slaveholder on their ticket!'"

We have a southern Speaker, with whose manner of discharging the duties of the chair I have no complaint to make. And what a spectacle his election presented! So strong was party feeling with some gentlemen from the non-slaveholding States, that when the issue was a northern or a southern Speaker, they refused to vote for a northern Speaker. This speaks volumes; party feelings must always influence us, must always be felt by the North and West, and southern votes will always be wanted.

A majority of the Cabinet are from slaveholding States. In the Supreme Court we have five to four. In the army and navy we have our full share. Of the foreign ministers we have more than our share. But still "Gott's resolution," or some other northern aggression, troubles us. Let me record another instance of northern liberality. When General HARRISON died, Mr. TYLER became President. Mr. SOUTHARD, of New Jersey, was chosen President of the Senate; he died, and did the North practise aggression on us? Did they elect a northern President of the Senate? No; they elected a distinguished Senator (Mr. MANGUM) from my own state."

Mr. STANLEY then alluded to the speeches of certain agitators on that floor. Harsh and cruelly uncharitable speeches had been made, apparently with the only view of wounding the feelings of the South. Horrible pictures have been drawn of the miseries and the despotism of slavery. The fearful consequences of disunion have been gloated upon with apparent delight. And what has been the effect of men holding and publishing such opinions as these? Emancipation in the southern States, which was going on daily, has been completely stopped. Free negroes voted in North Carolina until the year 1835. In one town, where he had lived, out of three

hundred voters, sixty of them were free blacks. A simple petition, then, to the Court on half a sheet of paper, at the request of the master, alleging that he alone had rendered meritorious services, and the slave was made free. And now emancipation is a difficult matter. Their laws allowed slaves to be emancipated by will, but not to remain in the State.

"Sir," said Mr. STANLEY, "I remember well when we had negro meeting houses, and negro preachers, some of whom could read and write well; but your philanthropists—those men who would rather look on rivers of blood than that slavery should be extended one inch, and have such horror of chains, shackles and despotism—they sent incendiary documents among our slaves, exciting them to insurrection. As an inevitable result, education was forbidden. Self-protection required it—protection for the slaves required it. And this is another fruit of your sympathy for the slave! But we do not deny them religious instruction. In one town in my district, the negroes have a clergyman of their own, and their own church—a Methodist church. I wish northern gentlemen could see them, neatly dressed, with cheerful faces, as they are going to worship. I wish they could hear their heart-rejoicing songs, when they sing praises to their Maker. They would think better of slaveholders and less of Abolitionists. Our people regard slaves as property, but not as cattle raised for market. I tell these Abolitionists, you are the men who have 'riveted the chains.' But for your efforts, thousands of slaves would have been educated and emancipated—would have been returned to Africa and Liberia, under the influence of the Christian religion—would have realized what the psalmist said: 'Ethiopia shall soon stretch out her hands unto God.'" With regard to the Wilmot Proviso question, continued Mr. Stanley, whether constitutional or unconstitutional, it would be gross injustice to the South to enact any such measure. He was opposed to disunion; the people of his own State regarded the thought of disunion with horror. But, if the legislation of the North should have unmistakeable evidences of unfriendliness and hostility, they would feel forced to provide for their own security in such manner as the world would justify. The North should remember that all tyrannous legislation would produce sectional animosities.

With regard to the charge that the revenue system of duties on imports imposes undue and peculiar burdens on the planting interest of the South, he considered that any tax that the Government can impose, so far as it operates on consumption, can only compel the Southern planter to share in the burden which all consumers have to bear. Nor can this burden be

to the whole amount of the duty, for the foreign producer must bear his proportion of it, in the diminished profits of capital. Nor has the price of Southern produce fallen since such duties were imposed, while the prices of articles of Southern consumption have even sensibly diminished.

Mr. STANLEY then spoke of the California question. It has been pronounced the "test question," but only by those he believed, who wished to bring about a dissolution of the Union. As a Southern he wished her admitted—the sooner the better. He believed in the great principle of the right of man to self-government. He would not consent to remand her, for her people were for the most part our own citizens, and there would be danger in compelling her to form a government without our aid.

In regard to the matter of territorial governments, he saw no plan better than that recommended by the President, and should cordially support it.

In the House of Representatives, April 3, Mr. McCLELLAND, of Illinois, gave notice of his intention to offer at the prayer time, as a compromise to the question of slavery, a bill having for its basis the following objects:

1st. The bill provides for the admission of the State of California into the Union with her constitutional boundaries.

2d. The bill provides for the erection of a Territorial Government, to include that part of the territory of the United States lying south of the 42° north latitude east of the State of California, north of the 35° north latitude west of the Colorado and Virgin rivers, and the main easterly branch of the latter to its source; thence west of a due north line to the summit of the mountain range divid-

ing the waters flowing into the Pacific from those flowing into the Great Basin; thence west of the summit of that mountain range to its intersection with the 42° north latitude. This Government is styled the Territory of Utah.

3d. The bill provides for the erection of a Territorial Government, including all the residue of the territory of the United States, acquired by the law treaty with the Mexican Republic, not included in the State of California and the Territory of Utah, more or less, including, of course, the department of New Mexico, with its *rightful limits*, and not more. The Territory thus erected, or the Territorial Governments to be formed therefrom, are provided for by a pledge that they shall be admitted into the Union, with convenient limits, as States when their population shall be sufficient, and when they shall have presented a constitution of republican form and asked to be admitted.

4th. The bill provides that, if the State of Texas shall consent to and confirm that part of the southern boundary of the territory of New Mexico, as defined, extending from the intersection of the 34° north latitude with the Rio Grande, upon a direct line to the intersection of 100° of longitude west from Greenwich, with the Red river on the main or Salt Fork thereof, and shall quit claim all the territories north of said boundary, to the extent of her claim to the United States; in that event certificates of five per cent stock, amounting in all, to \$10,000,000, are to be delivered to Texas by the Secretary of the Treasury of the United States; provided that if Texas shall thus reduce her boundary as claimed by her, such reduction shall not alter the number of States authorized to be admitted into the Union without any restriction as to slavery in the joint resolution for annexing Texas to the United States; and provided further, that if the State of Texas shall not consent to such reduction, all of the fourth proposition shall be null and of no effect by intendment or otherwise.

MISCELLANY.

MINORITY REPORT ON A PROPOSED CONVENTION TO REVISE THE CONSTITUTION OF MARYLAND.

A most important feature of the age in this country, is the rapid change that is taking place in the Constitution of the States from the interference of State Conventions. Conventions are the order of the day; and are become quite common. The legislative responsibility attaching to a member of the Convention seems to be somewhat less than that attending a membership in a legislature. A representative in Convention is supposed to come more directly from the people. Mr. A., elected for a Convention, by the people of his district, is supposed to be a very different person from Mr. A. elected to the State Legislature. The work he has to do, is a work of which he knows very little: He goes to the Convention to hear three or four influential persons declare what changes they think are to be made in the fundamental laws. These few influential individuals represent the same party, among the people, with Mr. A. himself. Of course it would not do for him to offer any opposition to his leaders; and as the new law makers have it much their own way; if they be lawyers or demagogues as they usually are, they will have the skill to frame a Constitution suited to their own purposes, and that shall yet have every appearance of liberality and reform. We conceive that this true effect of a Convention is not generally understood. That effect, for the most part, is to throw the law-making power into the hands of a very few persons.

We do not mean to impugn the liberality of those persons who sincerely and rightfully desire to reform the laws of their State; it cannot be denied that there is hardly a Constitution, among the entire thirty, which does not demand reformation; and of all those the most in need of reformation are perhaps those which have been lately reformed.

The Report of the minority of the House of Delegates of Maryland on Constitutional Reform argues strongly against the necessity for assembling a Convention in that State. The principal features of the bill, presented by the majority of the same committee, are as follows: First, it is proposed that the will of the

majority of the people shall be ascertained on the expediency of a Convention.

That in the event of an affirmative vote, the Governor shall issue writs of election calling a Convention to revise the Constitution of the State.

The basis of representation in the proposed Convention shall be that of a representative in the House of Delegates.

The action of the Convention shall be submitted to the confirmation of the people, and if approved by a majority vote, shall supersede the existing Constitution of the State without further action by the Legislature.

The minority of the committee object that by this bill, the Legislature assume a power which does not belong to them; that the Executive of the State is commanded by them to issue his writs of election; the people are directed to vote immediately upon the subject; if they refuse to vote, those who do vote have given to them the entire power of establishing the fundamental laws; moreover, the Treasurer is directed to pay the daily allowance of the members. The entire bill, they argue, is an assumption, by the Legislature of more power than belongs to it.

The minority of the Committee concede the point that by the fifty-ninth article of the Constitution of the State of Maryland, a Constitution not yet fourteen years old, the power is conferred, without restriction, upon the Legislature to alter and change the fundamental law. And yet, instead of exercising this power, so explicitly given to them, the Maryland legislature wish to have it all referred back to a Convention.

Admitting that the Constitution of Maryland needs to be reformed, the method of effecting this reformation is a matter worthy of all attention. The Constitution of Maryland confers an unlimited power of altering the fundamental laws of that State, upon the Legislature; but that body have chosen to deny themselves the exercise of the power thus conferred upon them, and to yield it to a Convention, provided in such a step, they meet the approval of a majority of the people.

The report of the committee suggesting this plan will be adopted by a majority; that majority of the popular representatives compels

the assembling of the people; we say compels, for if only a small portion should come together, as they certainly will, that small portion of the citizens will have called a congregation for altering the fundamental laws of the State.

The Convention being assembled, will appoint by *majority*, a committee to frame a new Constitution: the *majority* of this committee will frame a Constitution. This Constitution will then be submitted to the people, and ratified by a *majority*.

It cannot escape the eye of a philosophical observer that there is an evident tendency to weaken and undermine the powers of the State sovereignties by throwing, more and more, the power into the hands of mere *majorities*. It will not be required that "*two-thirds* of the people of Maryland should adopt a new Constitution; the immediate ends of the reformers will be sufficiently attained if their laws receive the sanction of the *majority* only. They have a particular end in view, which shall be nameless; when that end is accomplished, however excellent it may be, or however excellent the *collateral* ends, and final consequences of the measure, they will find that they have inflicted a wound upon the body of their State; they will find that their State is less venerable; less a distinct and stable member of the Union; more blended and lost in the mass of States which surround it; less able to resist the sectional and factious influences which set in upon it from other States—than it was before they shook the strong base of time and usage, and the consent of successive generations, to which alone Constitutions owe their stability.

It is charged upon us by foreigners, that our people have an itch of change; we do not believe it. A more stable people does not exist on the face of the globe, or less given to change than the people of America. That they are lovers of reform, of genuine, natural progressive reform, which begins with the private affairs of the individual and his family, and extends upwards to the highest departments of State, we firmly believe; but that they are revolutionary we absolutely deny; if they were, the United States would be a chaos of revolutions; there is nothing to prevent it; but that the American people are naturally fond of change, for the sake of change, we do absolutely, and without hesitation deny for them. Common sense is their characteristic, and economy is their rule; and nothing is more wasteful of the time and money of the people than unnecessary changes in the fundamental laws. Every change in a Constitution breaks up a part of the system of society which moves under its control; there is time lost and labor lost. It is not the people, but a few designing and ambitious law-makers who

make unnecessary changes and persuade the people of their sincerity.

In regard to these particular changes which are to be made in the Constitution of Maryland, whether they are necessary or not the people of that State know better than their neighbors, and are the only competent judges, that is not our affair; we wish only to caution them against weakening, or taking from the dignity of their sovereignty, as a distinct and separate people; while they go on changing and changing, until there is nothing strong or fixed in their law, the grand system of the Union, the fundamental laws of the Nation, stand like the rock of ages, gather strength with time, and wear, to each succeeding generation, a more awful and unchangeable aspect. Take care of your State sovereignties; the faster they change the sooner they will deteriorate; the more they struggle the sooner they will be submerged.

WE subjoin from the columns of the New York Tribune, on account of the growth and successful establishment of that journal. In these days of universal reading, the press has become a separate estate of the realm. Sensitive to every breath of popular sentiment, watchful of men and manners, changing with the shifting hues of the element it lives in, it is the embodiment of public opinion. In its reaction it exerts an influence that makes it a feature of the age. Clamorous and petulant and sectional in feelings and interest, it is nevertheless of easy absorption and reaches instantaneously all parts of the social frame. It puts a girdle round the earth in forty minutes. Politically, it is a power behind the throne. But its political influence is the least important of its prerogatives. Governments, however conspicuous from the magnitude of their particular movements, form but a small part of the actual history of a people. The court and the camp are only the shadow of the spirit of the age. It is social life, with its diplomacies and its battles, deep guile-full diplomacies, and relentless, dogged battles, that with its steady current washes out the channels of individual and national existence. Periodical literature, with all its inaccuracies and special pleadings, its hasty judgments and one-sided views, is the page to which we must look for this true history. It gives us facts, men and opinions, the hasty, often correct generalizations of the day, the national *common sense*.

Newspaper reading may be the enemy of scientific depth or theoretic knowledge, but its wide spreading arrays of facts give the means of the broadest and most practical generalization. The indolent mental habits it favors, may lure a few away from research, but its interest will awaken thousands out of

mental lethargy. Its tentacula reach every man's door and every man's hearth. It is the social exchange, where all classes and conditions meet and exchange greetings and sympathies. The priest of public opinion, it lives only in the presence of its god. Its dictation is still condescending, its homely talk and blunt advice is only a finer adulation.

Mr. GREELEY states that his paper was started nine years ago, and under most discouraging circumstances. Of scanty means, and with little pecuniary aid from friends, he had to encounter the increasing competition of the daily press of this city. The hazard was such that nineteen out of every twenty similar attempts had proved unsuccessful. The current expenses, already great, were soon to be increased by the general progress of business, and the diffusion of the magnetic telegraph. His first issue, to the amount of five thousand copies, was with difficulty given away. Before the end of the year he had a steady daily sale for more than ten thousand copies.

The expansion and development of his journal, from a mere register of passing events, to its present maturity as an expositor of ideas and principles, rendered necessary an increase of price. From six cents, the weekly charge was raised to nine, and ultimately to twelve cents. The rapid increase of sale was somewhat checked by this, but the falling off was slight. In commencing, his subscribers' list numbered less than a thousand names. His present regular issue is 15,360 of the daily paper, 1,680 of the semi-weekly, and 39,720 of the weekly edition, besides a growing European and large though unsteady California edition. His first week's expenses were \$525, receipts \$92; his last week's aggregates were, expenses \$2,446, receipts \$3,130; leaving a balance in his favor of \$584.

The Tribune is now swelled to more than double its original size. It is printed in the quarto form, and contains forty-eight columns instead of the twenty at the outset. Four of its pages are devoted to News, Editorials, Literature, &c., the rest to advertisements.

The Editor is fitted by nature and art for a journalist. His long practice has given him a nice touch of the public pulse, his argumentation, though not always logical is broad and clear, and he writes *currente calamo* and with a full heart. His style is consequently warm and genial. It is even dramatic, for it shews the feeling that prompts the thought. He is really as the title of his paper imports, a Tribune of the people, eager to grapple with patrician wrong or insult, and disposed partly from kindness, and partly from love of popularity, to see them where none exist. There is little of dignity in his columns, but his earnestness and talent always extort respect. He is enthusiastic in theories for raising degraded humanity,

and equally warm in his expedients to save them from miseries and troubles that no legislation or social change, it is to be feared, can ever reach. Whatever policy may have to do with particular moves, no one that looks into his paper can doubt that he is a man who is in the main sincere, that his sympathies are with the million, and his heart in the right place.

The bill, securing the Homestead of a family from sale on execution, to the value of \$1,000, has finally passed the New York Legislature. It was objected to by its opponents on the ground there was no call for it by laboring men, or men of moderate means, and that it would serve only to protect the idle, and thriftless, and dishonest. The amount was also thought too great. But \$1,000, throughout the country, and in small towns and villages, would no more than meet the expenses of a decent shelter, with the ordinary comforts of a home, while in the larger cities it would hardly buy the ground that a wigwam could cover.

The British minister at Washington, Sir H. L. Bulwer, has notified our Government relative to an exhibition of works of industry of all nations, to be held in London in the early part of the year 1851. It is to be a world's fair, held at the great centre of the world's commerce. An industrial tournament, where our national ingenuity can tilt against the exactness of English art, French taste, German accuracy, and the artistic mind of the south of Europe.

The exhibition will be divided into four sections:

1. Raw materials and produce, illustrative of the natural productions on which human industry is employed.
2. Machinery for agricultural, manufacturing, engineering, and other purposes, and mechanical inventions, illustrative of the agents which human ingenuity brings to bear upon the productions of nature.
3. Manufactures, illustrative of the results produced by the operation of human industry upon natural productions.
4. Sculpture, models, and the plastic art generally, illustrative of the taste and skill displayed in such application of human industry.

FRANCE.

The late election to fill the place of the thirty-one members, expelled in consequence of the affair of June 13th, 1849, have returned ten socialists, and twenty-one of the more conservative parties. This is a gain of ten for the government. There was a decided falling off of the socialist vote in all the De-

partments. That party seems to have abandoned the barricade as a mode of revolution, and to seek the more legitimate means of party organization and the ballot-box. This bodes well for the cause of transatlantic freedom. In France the rural districts are conservative; it is chiefly in the large cities that the anarchical element prevails. Let the agricultural masses, by use, once know their latent strength, and the reign of street revolutions, with their threadbare heroics, is at an end. In countries where population presses on the means of subsistence, there is always starvation. With starvation there is always misery and desperation. The cities are the natural drains of the country, and gather from all quarters its foul humors. Republicanism in France, has hitherto been more the writhings of these diseased parts, than the action of the healthful system. In the last spasm—the insurrection of the Red Republicans—the ulcer was laid open. Wretches, hardly human, hiding from the face of men by day, seeking their prey by night, familiar with crime, and with despair for their daily bread, dashed out of their dens and hiding places, and for three days fought over a city, that, a few years since, gave laws to Europe. Hurling back, Red Republicanism, in its sheep's clothing of socialism, now approaches the legitimate field of party and organized members. But here, organized capital and social influence again meet it and the cry, well known to us, of proscription for opinion's sake, is heard across the Atlantic. In the Legislative Assembly, March 16, M. de Lasteyrie complained of the publication of a list containing the names of shopkeepers who voted for socialist candidates, and calling upon the customers of these tradesmen to give them no farther employment. It was called an attack upon universal suffrage, and the Minister of Justice was urged to prosecute the *Assemblée Nationale* newspaper, in whose columns the article appeared. The government party defended the course of that journal, and a stormy debate followed. The true and enduring check to socialism is to be found in the conservatism of agricultural labor, and the increasing numbers of small proprietors, giving to the many, and no longer to the few, an interest in stable laws and government.

RUSSIA.

The Russian Prime Minister—Count Nesselrode—has addressed an energetic remon-

strance to the British Government, concerning the precipitate course of the latter in relation to its Greek claims. He complained that, without notice to the powers, who, equally with England, were guardians of the defenceless kingdom of Greece, the British fleet had presented itself at the Piræus, making an imperious demand for the settlement of these claims. The mediation of France had subsequently been accepted, and the Russian Government had no objection to a course that might lighten the weight of pecuniary demands upon King Otho. But in relation to the two small islands, claimed by Great Britain as Protector of the Ionian Islands, but guaranteed originally to Greece by the three powers, it is no longer a question of money, but of territory; and the Russian Minister protested in the name of his Government against any action on the part of France and England to the exclusion of Russia.

The course of the English Cabinet in this matter is not easily understood, but it is significant of anything but a cordial state of feeling between the English Government and the northern Autocrat.

HUNGARY.

The enlistment of Hungarian peasants into the Austrian army, and the degrading of Hungarian officers into the Austrian ranks, still continue. The latter is thought an unsafe move on the part of that Government. The superior knowledge of these men, and skill in their profession, gives them great influence over the Austrian non-commissioned officers and privates. They carry with them a spirit of revolt, that in these days of fraternization may prove a dangerous leaven. The army is no longer the brute tool of despots.

The sentences of death passed lately by courts martial upon persons concerned in the late insurrection, have been commuted to imprisonment in irons for terms of twelve and sixteen years.

Kossuth and the other Hungarian leaders at Shumla, have been removed, by the order of the Porte, to the interior of Asia Minor. The wanderers left their temporary home with reluctance. Kossuth was accompanied in his exile by his wife. Turkey again succumbs to the exactions of the Czar.

CRITICAL NOTICES.

Classical Series. Edited by Drs. SCHMITZ and ZUMPT. *Quinti Curtii Rufi de gestis Alexandri Magni.* Philadelphia: Lee & Blanchard. 1849.

This history of the exploits of Alexander by Quintus Curtius, an author probably contemporary with the first Augustus, begins at the third book, when Alexander, having gained a victory on the Granicus, was entering on his career of Asiatic conquest. It is one of the original authorities for the exploits of that conqueror. It is written in a free and entertaining style, and requires but a moderate mastery of the Latin language for its enjoyment. A few slight deviations from the classical prose of Cicero and Cæsar in the choice of words, and some loosenesses and inaccuracies of expression, are hardly sufficient to degrade this author from the rank of a classic, and are certainly not a serious objection to his employment as a school-book. There is, perhaps, no Latin author easier to read and understand; beside that, he has the advantage over primary school-books of the class of *Viri Romæ*, in being an original, and his work a continuous history. As a first book for the beginner, in Latin, we hold him, for these reasons, to be the very best. To facilitate the use of this history, as a school-book, the present very neat volume has, appended to it, an excellent small map of the conquests of Alexander the Great. The sole objection we have to find against it, is, that the impression of the letter press is from worn-out type, pale and painful to the eyes. For the popularity of a school-book publishers should have an especial care to make their letter-press clear and well defined. The quality of the paper is of much less consequence than the quality of the printing. It is saving at the wrong point to economise in the latter department.

The notes in this volume are abundant, and truly explanatory.

Anastasis. Sacred Dramatic Dialogue on the Resurrection of our Savior. The Temptations of the Wilderness, Bathsheba, and other Poems. By THOMAS CURTIS, D. D., original editor of the Encyclopedia Metropolitana, and editor throughout of the London Encyclopedia. New York: Leavitt & Co., 191 Broadway. 1850.

This little work is dedicated to Leonard Woods, Junr., D. D., the amiable and learned President of Bowdoin College, "in memory," says the author,

"of many hours of affectionate fraternal intercourse." "I choose verse, because maxims, precepts, and principles, are thus more readily retained; because, it may seem odd, but it is true, I found I could express them more *shortly* in this way, than in any other."

The above quotation from Pope is placed by our author upon his title-page. This volume, however, contains a number of sonnets: the quotation certainly does not apply to them; for sonnets are, perhaps, done into verse for quite other reasons than the one thus assigned; and few that we have ever read have the virtue of brevity. Nor can it apply to an "Ode to Pain," which we find in the same volume, since it were quite impossible that an ode should be written in prose; nor to the poem of "Bathsheba," which is a very long-drawn history, with commentary, sentiment and all, attending in their robes of state. Brevity is not the characteristic of this author, though the volume is a small one.

Of the *Anastasis*, a poem of dialogues, which occupies some seventy pages of the work, the design is given by the author, in his introduction, as a poetic embodiment of the "legal evidences" for the resurrection of our Savior. He says, that Bishop Sherlock, while master of the temple, having had an audience chiefly composed of lawyers, drew their attention to the legal perfection of the evidence for our Savior's Resurrection; and, afterward wrote his celebrated tract, "The Trial of the Witnesses of the Resurrection of Jesus."

Our author, while holding a parochial charge happened to have several lawyers, and one a chief justice, in his audience. It was proposed, in imitation of Bishop Sherlock, to attempt something similar. The chief justice was requested to sit as judge: witnesses, male and female, were induced to look over the facts in the New Testament, and counsel was engaged on both sides. The judge, after a mature examination, pronounced the evidence perfect.

At the suggestion of his friend the judge, our author undertook to make a sketch of the proceedings. He says that his prose, with the addition of some few poetical circumstances, soon became verse.

It seems a pity that this noble subject had not been worked out by our author in good, honest prose; for the poetic additions, we humbly conceive, rather serve to encumber and retard, than to advance the argument. For example, in the first dialogue Joseph of Aramathea addresses Pilot in a strain of Eastern adulation, at once tedious and unbecoming. Pilot, as in honor

bound, replies in very chaotic verse, but with excessive politeness:

"Noblest Counsellor,
Of a most wayward race, as Romans feel,
My soldier bluntness pardon, of that man,
Awfully mute, despite of power and passion,
Rome's iron sway, and bitterest accusers;
On my own steel-clad heart how deep impressed,
&c., &c."

And again,—in allusion to the Jews, Pilot says,

"Born with them, how oft
The thirst of blood, and, as with Scythian slaves,
An instinct of rebellion—truckling most
When treated worst, I find. (As 'tis the smiles
[Pilot nods at "smiles" to make italics.]

Of morn, call up from our rank Pontines', foulest
Most pestilential vapors.) Sir, that Man
Stands yet an image on this poor sensorium
Proud, stern, and firm—my Judge! the Gods
avert
His being my evil genius," &c.

This is a very buckram Pilot; a stiff, bombastous fellow; and his vein is that of Cambyse's counsellors, at least. Joseph makes reply to him, in a most elaborate and stiff fashion, with terms of modern science to boot;

"Thy princely courtesy on me
The precious gift bestowed, which my own garden,
The cypress corner, stretching to the foot
Of their 'opprobrious hill,' and kindly shading
Its hateful brow forever from my view,
Received. Its base, granitic strata; deep
Within a splendid tomb kind Nature hallowed;
The initiatory skill, at least, was hers.

This last line is the very spirit of meekness. Joseph corrects himself before Pilot. Granitic strata were unknown in those days. Werner was not, as yet; nor Milton, whose "opprobrious hill" is quoted by Joseph: nay, we doubt whether any knowledge of a "*sensorium*," unless prophetically, had been granted either to Pilot or Joseph.

But a truce to jesting; here is a grand and serious topic, held up by the unfortunate ambition of one whom nature evidently did not design for a poet, to be a mark for endless ridicule, and the inextinguishable laughter of the critics.

Elfreide of Guldal, a Scandinavian Legend; and other Poems. By MARKS OF BARHAMVILLE. New York: D. Appleton & Co. 1850.

This work is copyrighted by the Messrs. Appleton in New York, and would seem therefore not to be a reprint. Of the locality or whereabouts of Barhamville we have no knowledge, but we are led to conclude that, wherever it may be, there is but one Marks in it; and that, by this singularity and isolation, he acquires the right and title to the name of "Marks of Barhamville" to distinguish him from the other Marks, similarly isolated in other villages.

The volume before us, beside the poem of "Elfreide of Guldal," contains also, "Semaël," "Maia; a Mask," and, lastly, "Weeds from Life's Sea Shore;"—and here is one of the weeds:

"Thou who readest here—oh, learn that these—
Each of these weeds hath been upturned—each
one—
From the mysterious soundings of the heart—
To each belongs a tale, which but the depths
From which they come can tell."

These weeds are clearly a specimen of mandrakes, which, saith the old tradition, on being torn up by the roots, utter a shriek.

Shriek the first is entitled "The Chrysalis," which is an address to a Chrysalis:

"Yet thou, lone chrysalis."

And,

"Lone chrysalis, 'twas pride beguiled."

Now, under favor of poetic liberty, and using the caution of a critic, we do seriously protest against addressing a chrysalis at all, or under any circumstances; for, it cannot be said of a chrysalis, as it can of a Jew; hath it not eyes, hath it not ears, or hath it not a soul; it hath none of these. Prospectively, we admit the propriety of conversing particularly about a chrysalis, as about to become a butterfly,—one may, indeed, perhaps address a butterfly, but chrysalises are supposed to be asleep, and highly unconscious of their own position or attitude in relation to the universe.

The poem begins:

"I, too, like thee amidst the stour
Of winter's darkest noon was nursed—
Cradled in ice, and rocked in storm;
Bleat lightning, at that hour accursed,
Around was gleaming,
And the night bird, of ominous power,
O'er head was screaming."

A truly remarkable birth for Marks of Barhamville, whose chrysalis was thus threatened by the unfriendly elements.

Nota Bene. An infant is not a chrysalis; the comparison must be antedated to birth.

"Shriek" the second is entitled, "The Maniac Mother," which, from the dreadful circumstances attending our author in his chrysalis condition, follows with marked propriety. We forbear a quotation. The subject is not fit for poetry.

Passing over a succession of "shrieks," more or less musical in their tone, we touch only upon the last, which is an address, or ode to La Fayette, and begins:

"'Twas Alleghen that first beheld thee
Panoplied 'gainst freedom's foes,
When ascendant fame impelled thee
To the clime where erst she rose.
Where her birth-star proudly gleaming,
Flowered o'er the impurpled West—
There wert thou; whilst honor beaming,
Lighted on thy gallant crest.

There, 'twill be told in future story,
Thou, midst heroes, led the van—
Herald of Columbia's glory—
Envoy of the rights of man."

For a caution to ode writers we have quoted the above lines. The poet of Barhamville has assembled in them, and in the rest of this poem, most of the jingling common places of the English military ode—the poorest species of the ode, we take it, and the one in which the fewest have succeeded in giving any pleasure to the reader. The muse of our poet is, indeed, a very jay for borrowing feathers; and to pluck all of them from her wing would leave a very callow tit.

The Seventh Vial; Consisting of Brief Comments on Various Scriptures. By the author of *Millennial Institutions*. Springfield: George W. Wilson. 1849.

Another of the thousand and one attempts to adjust the prophecies of the Hebrews to the course of modern history. We never open one of those publications without a feeling of regret. No one of them that we have ever yet seen, evinces an apprehension of the true difficulties of the enigmas which it attempts to solve. The authors of these works do not seem ever to have seized the analogy by which the entire history of a single nation is made prophetic of that of every other nation of the same rank and form of government. The historian who has followed the rise and course of a single nation, governed by its own institutions, from its origin to its decline, perceives in it the operation of a certain order, of a certain law, providential indeed, but still an order and a law, else not providential. And when he makes comparison of this with the history of some other nation he perceives the same order and the same law. Thus, aristocratic republics founded upon domestic slavery, and using certain means for the accumulation of wealth, have, under providence, a certain rise, progress, and decline. Nations founded upon caste, like those of Egypt and of India, have a different order and decline, with terminations peculiar to themselves. The tribes of the Desert have also their unvarying history; the Monarchies of Europe have theirs; with still stronger analogies. We say then, that these expounders of prophecy do not come to their task with the requisite preparation; they do not show the requisite learning or philosophical ability; their point of view is sectarian; often superstitious, and for the most part, they bring less material of knowledge than any other class of writers, and what knowledge they have they seldom know how to use: hence the fruitlessness, so far, of all their labors. We do not believe that, with all their toil, they have made any material additions to human knowledge.

The Practical German Grammar: or, a Natural Method of learning to read, write, and speak the German Language. By Charles Eichhorn. D. Appleton & Co., New York. 1850.

This is a medium sized volume small octavo, made up chiefly of exemplars in the German lan-

guage, by which the grammatical rules of that tongue are illustrated and exercised. It is exceedingly well printed, a rare merit in a work of this class. The method adopted by its compiler of carrying on the science and the practise of his language parallel with each other, we believe to be the true and only natural one. The latter part of the volume has selections from the best authors.

Latter Day Pamphlets. Edited by Thomas Carlyle. No. 1. The Present Time: and No. 2. Model Prisons. Phillips, Sampson & Co., 110 Washington Street, Boston. 1850.

Also another edition of the same. By Harper & Brothers. New York. 1850.

These reprints of Mr. Carlyle's latest works, as we suppose them to be, are printed in a style very creditable to the publishers, and superior to the ordinary cheap re-prints both in paper and in type.

The writing of this truly sublime and original but often coarse and grotesque author are now presented to the public in a very elegant, but sufficiently cheap form. Thomas Carlyle has been called by some fine spoken gentlemen of this day, a moral charlatan, a literary mountebank; notwithstanding which opinion, we esteem him to be, on the whole, as he now writes, not only the most original and sublime, but the truest, the most simple minded, and the safest writer of the present age. He has no term of comparison; he stands alone; the single antagonist of the new born, and still young and powerful dishonesties of the present century. Against the swarm that sprang up from the dragons' teeth of atheism, sown by the writers of the last century, and which are beginning, but now, to fight among themselves for mutual destruction, he wields a sword of satire as heavy and as sharp as ever flashed in a mortal hand. Terms of rhetoric fail in expressing the vigor and the manly sincerity of this truly great author. He defies eulogy and scorns it: he asks only attention and a serious hearing; and that, notwithstanding the yell of disapprobation which we hear rising against him in certain quarters, he is likely to obtain.

It were a serious and vulgar error to suppose that this free and spirited writer, the truest representative of the modern mind, is an enemy of Liberty and the rights of man; at least, of that sole liberty, which is the offspring of obedience to the natural and divine law; or to those only 'rights' which are not wrongs. To say that this author is the patron of oppression, and the defender of tyranny betrays but a superficial and hasty study of him. It is anarchy, license, lawlessness, vice, fraud, dishonesty, weakness allied with wickedness and sustaining it; false philosophy which pursues the shadow and not the substance; purposeless and frothy benevolence, undistinguishing and feeble beneficence, which robs the deserving to sustain the vicious and the worthless.—It is against these that he directs his anger. Mr. Carlyle is not the enemy of freedom. Modern democracy has chosen to forget, that all human creatures are not fully able to govern and take care of themselves. The error is so monstrous and so

radical, it is so multiform and all pervading, in literature, in religion, and generally in every department and walk of life, that to speak of it adequately would be to make an universal criticism of the age. We stand appalled at the magnitude of the error; the hand trembles, we cannot write of it; the mind is darkened when we think of it; the spirit groans under the weight of it; and, for the most part, men who distinctly and clearly recognise it, and prophetically see the awful consequences, the anarchy, calamity and social desolation which it is preparing for us in the remote future, shrink away from the consideration of it, and yield themselves silently and gloomily to its irresistible current. Among the thousands of weak voices, this one, deep, clear and powerful reaches us, full of warning, of guidance and of consolation.

Grammar of Arithmetic: or, an Analysis of the Language of Figures and Science of Numbers.

By Charles Davies, L.L. D., author of a great number of Mathematical works. New York: A. S. Barnes & Co. H. W. Derby & Co., Cincinnati.

Professor Davies' series of Mathematical works published by A. S. Barnes & Co., are well known all over the Union, and need no recommendation at present. The little work before us is intended for teachers and advanced scholars exclusively, and is strictly scientific.

Tea and the Tea Trade. By GIDEON NYE, Jun., of Canton, China. New York: Press of Hunt's Merchants' Magazine. 1850.

A very curious pamphlet on the use and benefits of tea, the impediments to the increase of its consumption, directions for its preparations as a beverage, and suggestions of the moral and economical results to follow from its more extended use. A sketch of the history of the tea trade is added, a view of its statistical progress and present position in Great Britain and America, and suggestions showing the advantage of a greater uniformity in prices. The two articles which compose this pamphlet are from Hunt's Merchants' Magazine of January, 1850. The pamphlets were sent to us by the politeness of the author himself. We can only give it a brief notice, though we regard the subjects of which it treats to be of the first economical and diatetic importance. Whether regarded as a necessary of life, or as an article of commerce, the leaf of the tea plant takes the lead in the history of substances which have been the cause of commercial intercourse between nations. It is the incentive to industry of many millions in Eastern Asia, and conduces to the health and comfort of many more in Europe and America. The duty upon tea imported into Great Britain, has reached the sum of \$25,000,000 per annum. This enormous duty upon one of the most necessary and beneficial articles of foreign commerce is levied under the mis-called free trade system of Sir Robert Peel. Our author goes into a calculation to show that a great injustice is inflicted upon China

by the oppressive tax upon her teas, which, by keeping up the price of teas in Great Britain, turns the balance of trade against the Chinese, who are prevented, by that means, from exporting of their own produce so much as is necessary to pay for the opium and other articles with which they are supplied by British merchants.

The duty upon tea in England is a fixed one of more than fifty cents a pound of our money, upon all classes of teas alike; so that those in England who use the inferior kinds pay a tax to government of from 2 to 400 per cent. The effect of this inequality is to prevent the extension of the use of tea among the inferior classes in Great Britain. Our author argues very justly for a reduction of the duty.

In the United States, on the other hand, since 1832, tea has been exempt from duty; an exemption which we deem an injustice to the people of the United States notwithstanding its great popularity. A very large revenue might be easily raised upon this article without any material reduction in the quantity imported. Notwithstanding its salutariness and almost infinite value as a substitute for spirituous liquors, tea is certainly to be regarded as an article of luxury, and we cannot but regard the absence of a duty upon it as an anomaly and an injustice in our economical system.

Our author shows that a great part of the cost of tea consists of charges of transportation with the cost of package, and an export duty in China of about 3 cents the pound. A moderate duty upon the article in this country would, perhaps, very soon have the effect to materially reduce the export duty in China.

The export duty in China, and the prices of package, transportation, dealer's profits, &c., make an addition of about 10 cents the pound on all kinds of tea without regard to its value. Thus it appears that if we buy tea at 20 cents the pound, we have only one half the value of our money in tea; while if we buy it at \$1 the pound, we have nine-tenths of the value in tea; that is, the higher the price of the tea, the more intrinsic value we get for our money; an argument for neglecting the inferior qualities, and purchasing always the best we can afford; the best kinds, moreover, being most conducive to health and least liable to have been adulterated. Our author's very interesting pamphlet contains, also, important directions translated from Chinese authors, for making the infusion of tea, which we commend to the attention of all householders.

The second part of the pamphlet is a history of the tea trade, with full tables of statistics which we have no doubt are reliable, as they are taken from the highest authorities.

The entire pamphlet is well worthy the attention of statesmen and political economists. Our limits forbid further quotations.

Hands not Hearts, a Novel, by JANET W. WILKINSON. New York: Harper & Brothers. 1850.

This work seems to have been republished by the Harpers, because it is English. As the author is a lady, it must be treated with politeness. We propose, therefore, to say nothing about it.

Atheism among the People. By ALPHONSE DE LAMARTINE. Boston: Phillips, Sampson & Co. 1850.

We are under obligations to the good taste and judgment of Messrs. Phillips Sampson & Co., and of Messrs. Hale and Le Baron, the translators of the work, for this very choice selection from the works of Alphonse De Lamartine. The object of the author is, to show that republicanism, to be a secure, should be a moral and religious form of government. Like all others, that we have read, of this excellent author, it is marred and discolored with his own personal vanity, as those of Thomas Carlyle are by vices peculiar to his intellectual temperament. Lamartine has what Carlyle has not, liberality of sentiment toward the people of other nations; vain and popular though he is, he is able to appreciate virtue and ability in every shape. In Carlyle there is a canker of discontent; there is a harshness, a coarseness, a violence, an egotism, a dogmatism, a conceit of his men, his views,—a contempt of moderate men, a scorn of all virtues save his own and his heroes, a forbidding—often disgusting—literary effrontery, and pride of understanding. All the faults incidental to literary John Bullism, steeped in the peculiar conceit of the Goethe school of writers, we find attending and disfiguring the genius of this admirable writer, and indicating in him some unspeakable moral imperfection; a sore upon the spirit, an ulcer in the mind, impairing the temper of the man, depriving him of all grace and courtesy, democratising his manners, and repelling from him the sympathy of the more delicate minded class of readers. M. De Lamartine receives no mercy at the hands of this universal scourger—this man of extremes. A proud man, of a strong and overbearing will, hates with a peculiar hatred every trace and symptom of vanity in another; and, therefore, Thomas Carlyle hates Alphonse De Lamartine.

Alphonse De Lamartine is a vain man; but, at the same time, we hold him to be a great and a good man, one of the most useful men of this century. He saved France from civil war; he controlled, week after week, by the power of his eloquence, the mob of Paris, controllable by no other power.

He saved France from the guillotine and the fury of red-republicanism; in a word, for we cannot now enter upon his history, M. De Lamartine, vain coxcomb though he be, governed his nation when no other power could govern it; named the provisional executive, organized the elections, organized an army of 500,000, originated and carried out the grandest system of foreign policy that any nation has ever adopted. For a certain number of weeks M. De Lamartine was, *de facto*, king of the French people, and held by force of native virtue, the destinies of that great people in his hands; he committed but few errors, fewer than, perhaps, were ever committed by one man in such a situation; and when the rising popularity of other men swept him from his post, and his account was surrendered up to the people, so vast was the balance of good to the credit of his ad-

ministration, envy sickened at its magnitude, and could only say, what all men knew, "M. De Lamartine has a great deal of vanity." It is not probable that there will be found in history any account of so benign, so liberal, so excellent, and for the time, so powerful a ruler as he was during the time of his administration; but his empire was of necessity a transient one, as it rested on opinion and crisis. He came in by favor and by virtue, and not by force. He lacked one element of greatness—he was unwilling to make himself feared. M. De Lamartine was a vain man. He wished to be loved, he could not bear to think that any man in all France should not love and admire him. He was too general; he did not make friends, he would not make enemies; and, therefore, his power passed out of his hands, and his reputation passed away like a sound swept on by the winds. In the order of Providence he has filled his place, and filled it well; let him have his statue among the effigies of great rulers that have been.

Through the past year M. De Lamartine has published a monthly journal called "The Counsellor of the People." Each number of this journal contains an essay by him, on some specific object of pressing interest to the French people, and generally political. We have now to look upon him as a popular author only; writing upon topics of general interest to other nations as well as to his own. Atheism among the people is the topic before us. It begins as follows:

"I have often asked myself, why am I Republican? Why am I the partizan of equitable Democracy organized and established as a good and a strong Government? Why have I a real love of the People, a love always serious, and sometimes even tender? What has the People done for me? I was not born in the ranks of the People; I was born between the high aristocracy and what was then called the *inferior classes*, in the days when there were classes where are now equal citizens in various callings. I never starved in the People's famine; I never groaned, personally, in the People's miseries; I never sweat with its sweat; I never was benumbed with its cold. Why, then, I repeat it, do I hunger in its hunger, thirst with its thirst, warm under its sun, freeze under its cold, grieve under its sorrows? Why should I not care for it as little as for that which passes at the antipodes? turn away my eyes, close my ears, think of other things, and wrap myself up in that soft, thick garment of indifference and egotism, in which I can shelter myself, and indulge my separate personal tastes, without asking whether, below me, in street, garret or cottage, there is a rich People, or a beggar People, a religious People, or an atheist People, a People of idlers or of workers, a People of Helots or of citizens?"

"And whenever I have thus questioned myself, I have thus answered myself:—I love the People because I believe in God. For, if I did not believe in God, what would the People be to me? I should enjoy at ease that lucky throw of the dice which chance had turned up for me, the day of my birth; and with a secret, savage joy, I should say, 'So much the worse for the losers! the world is a

lottery! woe to the conquered!" I cannot, indeed, say this, without shame and cruelty,—for, I repeat it, *I believe in God.*"

The reader will now, perhaps, suppose that the remainder of the work is intended to establish a connection between a genuine love of the people and a belief in God: accordingly, in the second chapter we find sketched the first or instinctive faith, called the pantheistic; after this, the spiritual or Christian idea is sketched, and a belief expressed in those higher or moral laws of the universe, which show the existence of a deity greater than any merely creative power, or than that which inspires the universe with animal life and intelligent force alone. It is in this deity that the author expresses his belief, as the foundation of a genuine love of the people. He then touches upon duties; duty towards God, or religion; duties in a family; duty to the commonwealth, or rather to humanity at large, which is a collection of commonwealths, and of which the individual is, to use his own words, a "miserable and vanishing fraction," a leaf upon the great trunk of the human race.

Then follows an analysis of modern society, a condemnation of caste and rank, and then, the idea of a nation, the idea of the people; first as they are the whole nation, and second, a part of that nation, or what are commonly understood to be the people—the indigent and suffering classes of Europe. In America we admit of no such distinction, we have but one people. The indigent and suffering classes in America are not the people, but only an insignificant part of the population.

M. De Lamartine affirms, that the disposition of the individual to sacrifice himself for the good of the many, that is to say, of the people, as they are called in Europe, namely, the indigent and suffering classes, can spring from no other principle saving a belief in God; that atheism among the people individualizes them, makes them selfish and separates them from the community; that therefore atheism is inconsistent with the existence of a republic; in a word, he insists that ideas of government, of the common interest, of universal justice and humanity, ideas, in short, upon which the republic is necessarily founded, are divine ideas, derived directly from a belief, or rather from a faith, in the personal being of a God; with such attributes as those ascribed to Him by the ancient and modern Christianity.

The remainder of the work is occupied with instances from history and biography illustrating this grand truth. For our own part, we cordially agree with M. De Lamartine in all that he affirms in this pamphlet, and believe, moreover, that, by his eloquent and sincere exposition of it, he is rendering an inestimable service to the French nation. In America these things are, for the most part, well understood.

Heaven's Antidote to the Curse of Labor, or the Temporal Advantages of the Sabbath. By JOHN ALLAN QUINTON. With a Prefatory Notice by the Rev. S. H. Tyng, D. D. New York: Samuel Hueston. 1850.

This work is a defence of the Sabbath, as an

institution for health, and for the preservation of the morals of the community. The veriest infidel, with a grain of common sense, can hardly fail to be convinced by the arguments and illustrations of the author of this work, of the necessity of setting by a portion of time for the rest and refreshment of body and mind. It is a small, cheap volume, and is altogether superior in style and utility to the mass of poor writings ordinarily scattered about by tract distributors. If the nature of the work were generally known to the clergy throughout the country, we believe the publisher could hardly fail to realize from it a good income.

An Easy Introduction to Spanish Conversation; Containing all that is necessary to make a rapid Progress in it; Particularly designed for persons who have little time to study. By M. VELAZQUEZ DE LA CADENA, Professor of the Spanish, Editor of Ollendorf's Spanish Grammar, etc., etc. New York: D. Appleton & Company. Philadelphia: George S. Appleton.

First Book in French. A practical introduction to Reading, Writing, and Speaking the French Language. By NORMAN PINNEY, A. M. New York: Huntington & Savage. Hartford: H. E. Robbins & Co. Cincinnati: H. W. Derby & Co. 1849.

Messrs. Huntington & Savage publish a series of works for instruction in French by Professor Pinney. Their plan is the new method of Manesca adopted by Ollendorf. The publishers have sent us a printed paper covered with important recommendations of this series, from a great number of professors and teachers of the French Language.

The Geography of the Heavens and Class Book of Astronomy, accompanied by a Celestial Atlas. By ELIJAH H. BURRIT, A. M. Revised and Corrected by O. A. Mitchell, A. M., Director of the Cincinnati Observatory. New York: Huntington & Savage, 216 Pearl Street.

This small volume has the imprimatur of Prof. Mitchell, to accompany his beautiful maps of the Heavens; it is, therefore, unnecessary to make any remarks upon its merits. It is thoroughly popular.

The Maiden and Married Life of Mary Powell, afterwards Mistress Milton. Boston: E. Littell & Co. New York: Stringer & Townsend.

This charming little story has placed itself upon daring ground. Anything short of the racy and delicate spirit which pervades it would have ensured a failure. The life of Milton is too near us—too much a matter of fact in every one's knowledge, to bear much mingling of fiction. Henry Neale, the English critic and lecturer, wrote a beautiful little romance founded upon the adventure of the

Italian Incognita ; but it served only for the pages of a magazine, and could not have sustained itself as a separate work on its own foundation, like the one before us.

The mingling of simplicity and acuteness, of sweetness and wilfulness, in the character of the heroine, is so natural—the use of the ancient style so perfectly in keeping with it, and with her day—that we have, throughout, a feeling of reality. We almost imagine the pages of her journal to be an original manuscript retrieved from Time's destruction by some happy accident ; so skillful is the author to conceal himself behind the scenes he exhibits.

Sketches of Minnesota: the New England of the West. With Incidents of Travel in that Territory during the Summer of 1849. By E. S. Seymour. New York : Harper & Brothers. 1850.

Personal observation and free communication with the oldest and most intelligent settlers of the Territory of Minnesota have enabled Mr. Seymour to present a series of interesting and reliable facts which will ensure to his book a ready circulation.

Probably the first obstacle which suggests itself to the more rapid settlement of this portion of our country is its high latitude ; notwithstanding which, its climate is said to compare favorably with that of New England and Northern New York. Many circumstances, Mr. Seymour thinks, tend to modify the temperature, raised during the summer by the great radiating power of the sand, which forms a large portion of the soil.

Early frosts, so injurious to vegetation, are rarely known ; and the cattle are said to suffer less from cold, possessing a dry coat through the winter, than in a warmer climate where the winter is more open, and subject to thaws, rain, and dampness.

The minute details given of the advancement, and the natural resources of this fertile and beautiful country, afford subject of interest to a large class of readers.

The Wilmingtons. A Novel. By the Author of *Norman's Bridge, Emelia Wyndham, &c. &c.* New York : Harper & Brothers. 1850.

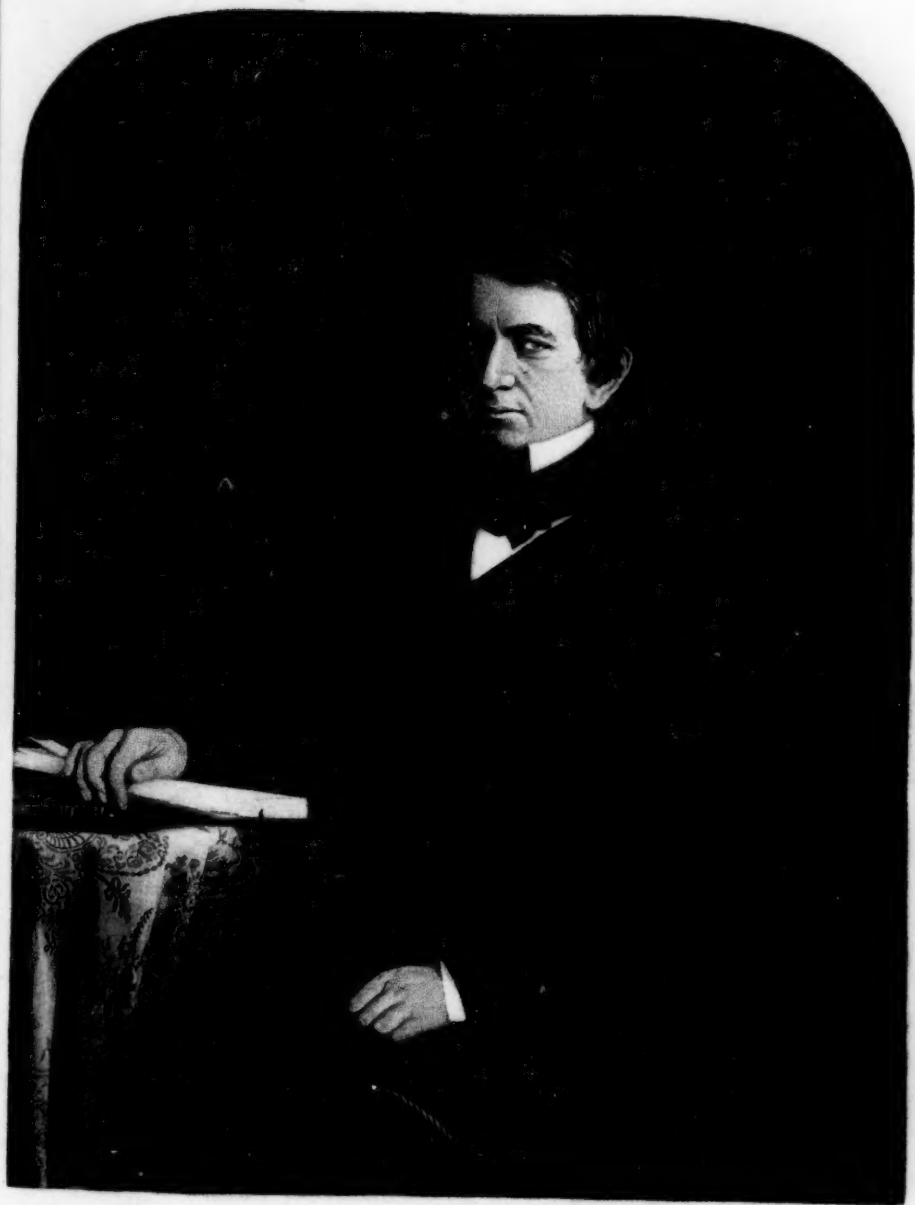
A critical friend, who has read the work, declares that it is a good and readable novel. Its author has already gained an excellent reputation, and we have no scruple in mentioning the work favorably to the novel reading public.

The Four Gospels, arranged as a practical family commentary, for every day in the year. Edited with an Introductory Preface, by STEPHEN H. TUNG, D. D., Rector of St. George's Church, in the city of New York. Illustrated with twelve highly finished steel engravings. New York : D. Appleton & Co.

Without the slightest reference to the merit or value of this volume as a religious work, we have a serious objection to raise against the publishers' assertion upon the title page, that it is illustrated with *highly finished* engravings. A work of piety should be marked from cover to cover with nothing but the most absolute truth. The engravings are *not* highly finished, but are simply third rate, and executed in a very cheap style ; most of them from very bad designs ; otherwise, the book is well enough, well printed, a handsome, substantial volume.

Gift to the subscribers to Saroni's Musical Times.

We have before us, presented by the courtesy of the Editor of the Musical Times, an exquisite engraving, large size, of the St. Cecilia of Dominichino, one of the most beautiful works of art in existence. This admirable engraved piece is presented to all who are subscribers to Saroni's Musical Times. The engravings are not yet all printed. As soon as the requisite number is obtained they will be distributed to the subscribers.



P. M. Whipple, Mezz.

William H. Seavey

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